

ARTICLE II:

GENERAL PROVISIONS

Section 200 **Definitions**

In the construction of this regulation, words and phrases shall be construed according to the commonly approved usage of the language; and technical words and phrases, and such as have acquired a peculiar and appropriate meaning in the law or as herein defined, shall be construed and understood accordingly. Words defined herein have been identified within the text of the regulation by the use of italics, solely for the convenience of user reference.

ACCESSORY BUILDING: Any *building* that is subordinate to and whose use is incidental and supplementary to the use of the principal *building* on the same *lot*. An *accessory building* is not attached to the principal *building* by any covered porch, breezeway or other roofed *structure*.

ACCESSORY STRUCTURE: Any *structure* that is subordinate to and whose use is incidental and customary to the use of the principal *structure* on the same *lot*. An *accessory structure* is not attached to the principal *structure* by any covered porch, breezeway or other roofed *structure* in any way.

ACCESSORY USE: A use that is customary in the case of a principal use and subordinate to it and that shall not exceed twenty-five (25) percent of the total aggregate building area.

ACTIVE SOLAR SYSTEM: A system using a mechanical device such as pumps or fans and energy in addition to solar energy to transport a conductive medium (air or water) between a solar collection and the interior of a *building*

ADULT ORIENTED ESTABLISHMENT: Shall include, without limitation, *adult bookstores*, *adult motion picture theaters*, *adult mini-motion picture theaters* and further means any *premises* to which the public, patrons or members are invited or admitted and which are so physically arranged as to provide booths, cubicles, rooms, studios, compartments or stalls separate from the common areas of the *premises* for the purpose of viewing adult-oriented motion pictures, *adult cabaret*, or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, when such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect. An *adult-oriented establishment* further includes, any *premises* that are physically arranged and used as such, whether advertised or represented as an adult entertainment studio, rap studio, exotic dance studio, encounter studio, sensitivity studio, modeling studio or any other term or like import.

ADULT BOOKSTORE: An establishment having a substantial or significant portion of its stock and trade in books, films, video cassettes, or magazines and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* as defined below, and in conjunction therewith, has facilities for the presentation of *adult material*, as defined below, and including adult-oriented films, movies, or live entertainment for observation by patrons therein.

ADULT CABARET: An Establishment such as but not limited to a nightclub, bar, restaurant, or similar establishment that regularly features live performances that are characterized by the exposure of *Specified Anatomical Areas* or by *Specified Sexual Activities*, or films, motion pictures, video cassettes, slides or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by any emphasis upon the depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* for observation by patrons therein.

ADULT MOTION PICTURE THEATER: An enclosed *building* with a capacity of fifty or more *persons* used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas*, as defined below, for observation by patrons therein.

ADULT MINI-MOTION PICTURE THEATER: An enclosed *building* with a capacity for less than fifty (50) *persons* regularly used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* for observation by patrons therein.

ADULT MATERIAL: Shall include but is not limited to accessories, books, films, video cassettes, or live entertainment, for observation by patrons therein, or magazines and other periodicals or any combination thereof which are distinguished or characterized by their emphasis on matter depicting, describing or relating to *Specified Sexual Activities* or *Specified Anatomical Areas* as defined herein.

ADULT MATERIAL IN STOCK OR TRADE, SUBSTANTIAL OR SIGNIFICANT: Shall be defined as an *adult oriented establishment* having more than twenty-five (25) percent of its stock or trade devoted to *adult material* as defined herein.

ANATOMICAL AREAS, SPECIFIED:

- a. Less than completely and opaquely covered:
 1. Human genitalia and pubic region;
 2. Buttocks, anus; or
 3. Female breast below a point immediately above the top of the areola.
- b. Human genitalia in a discernibly turgid state, even if completely and opaquely covered.

ANTENNA¹: Any device used to receive or transmit electromagnetic waves. Examples include, but are not limited to, whip antennae, panel antennae and dish antennae.

AREA OF SHALLOW FLOODING: A designated AO or VO Zone on the *Flood Insurance Rate Map (FIRM)*. *Base flood* depths range from one (1) to three (3) feet; a clearly defined channel does not exist; the path of *flooding* is unpredictable and indeterminate, and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one (1) percent or greater chance of *flooding* in any given year.

BACK-UP SYSTEM: A conventional energy system used to supplement the output of the solar system and/or to provide energy if the solar system is inoperable for any reason.

BASE FLOOD: The *flood* having a one (1) percent chance of being equaled or exceeded in any given year.

BERM: A man-made mound or small hill of earth.

BUILDING: Any *structure* intended for the shelter, housing or enclosure of any individual, *livestock*, process, equipment, goods or materials of any kind or nature.

BUILDING LINE: A line on a *lot* or parcel of land establishing the minimum setback for *buildings* and/or *structures* from a *street line*.

CANOPY, FREESTANDING²: Means a rigid *structure* covered with fabric, metal or other material and supported by columns or posts anchored to the ground. This definition does not include fabric tent/s used as temporary *structure/s* for not more than twenty days in a calendar year.

CANOPY, ATTACHED BUILDING: Means a rigid *structure* covered with fabric, metal, or other material and supported by a *building* at one or more points or extremities and by columns or posts anchored to the ground. This definition does not include fabric tent/s used as temporary *structure/s* for not more than twenty days in a calendar year, or awnings attached entirely to the principle building.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997

² Amendment to Article II: General Provisions, Section 200. Effective Date: January 4, 2001

CATERER: A business engaged in organizing and/or providing food and beverages and materials primarily for scheduled functions such as parties, weddings, receptions, etc. Such businesses may also be engaged in providing facilities, commonly known as *catering halls*, in which such functions may be held.

CATERING HALL¹: A business engaged in providing for scheduled group functions which include full food service for such functions in the same manner as further defined in “*Restaurant/Eating Establishment*,” and may include preparation of meals for consumption off premises.

CATERER, MOBILE: A business engaged in providing food, beverages and materials in a cargo situation.

CO-LOCATION²: Wireless communication facilities from more than one provider located on a single site.

COMMERCIAL RECREATION: Any form of diversion or a mode of diversionary play/amusement for profit.

COMMERCIAL RECREATION, INDOOR: Any form of *commercial recreation* that is primarily located and conducted indoors.

COMMERCIAL RECREATION, OUTDOOR: Any form of *commercial recreation* that is primarily located and conducted outdoors.

COMMERCIAL WIRELESS TELECOMMUNICATION SERVICE,³: A licensed commercial wireless telecommunication service, including cellular, personal communication service (P.C.S.), specialized mobilized radio (S.M.R.), enhanced specialized mobilized radio (E.S.M.R.), paging and similar services that are marketed to the general public. Commercial wireless telecommunications services shall not include fixed wireless facilities.

COMMERCIAL WIRELESS TELECOMMUNICATION SITE: A facility operated by a licensed commercial wireless telecommunication service provider, which consists of the equipment and structures involved in receiving or transmitting electro-magnetic waves associated with wireless telecommunication services.

DWELLING UNIT: A *building* or part of a *building* providing complete housekeeping facilities for one (1) *family*.

EDUCATIONAL GROUP CARE FACILITY: A supervised residence facility that houses no more than twelve (12) *persons* who require and are in the process of receiving special education under the mandates of the Special Education Law of the State of Connecticut and who are to be provided with services to meet their educational needs at an educational facility.

EROSION: The detachment and movement of *soil* or rock fragments by water, wind, ice and gravity.

EXCAVATE: To dig, remove; to deposit; to place and to fill; to grade, regrade, level or otherwise alter or change the location or contour; to transport and to supply. (See Exemptions as set forth in more detail in Section 218)

EXCAVATOR: Any *person*, firm or corporation, partnership or association engaged in the moving, removal or excavation, or filling of *soil* or *topsoil* from, in or upon any land in the Town.

FAMILY: Individuals living together as a single, nonprofit housekeeping unit occupying a *dwelling unit* that has complete housekeeping facilities.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: May 5, 1999

² Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997

³ Amendment to Article II: General Provision, Section 200. Effective Date: September 1, 2000

FIXED WIRELESS FACILITY¹: A wireless communications antenna and related equipment limited to transmission and receipt of communications services to and from fixed points by incumbent and competitive local telephone exchange carriers, operating in a frequency range between 18 and 24 GHz.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters and/or
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special *flood* hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY: The official report provided by the Federal Insurance Administration that includes *flood* profiles, the Flood Boundary-Floodway Map, and the water-surface elevation of the *base flood*.

FLOOD-PROOFED: Watertight with walls substantially impermeable to the passage of water and structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the *base flood* without cumulatively increasing the water-surface elevation more than one (1) foot.

FLOOR AREA, GROSS: Gross *floor area* shall be the floor area within the perimeter of the outside walls of the *building* under consideration, without deduction for hallways, stairs, closets, thickness of walls, columns or other features.

GARAGE, COMMERCIAL: Any garage available to the public, operated for gain, used for storage of automobiles and/or other motor vehicles.

GARAGE, REPAIR: Any *building premises* and land in which or upon which a business involving the maintenance, servicing, repair or painting of vehicles is conducted or rendered.

GRADING: Any excavation, grubbing, filling (including hydraulic fill) or stockpiling of earth materials or any combination thereof, including the land in its *excavated* or filled condition.

GROSS BUILDING FLOOR AREA, GROSS LEASABLE/RENTABLE AREA: The total area of all floors and levels of a *building* as measured to the outside surfaces of exterior walls including halls, stairways, and elevator shafts.

HABITABLE FLOOR: Any floor usable for living purposes including working, sleeping, eating, cooking or recreation, or a combination thereof. A floor intended only for storage purposes is not defined as a *habitable floor*.

HEALTH OFFICER: The Director of Health or duly authorized agent.

HEIGHT, BUILDING: The vertical distance to the highest point of the roof for flat roofs; to the deck line of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the average curb level if the *building* is not more than ten (10) feet from the *lot line* or from the average surrounding grade in all other cases (refer to East Hartford Design Manual).

HEIGHT OF TOWER²: The distance from the average ground elevation to the uppermost point of the tower including any antenna or other appurtenances.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: September 1, 2000

² Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997

HOME OCCUPATION: An *accessory use* customarily conducted entirely within a *dwelling unit* by the residents thereof only. The use must be clearly secondary to the use of the *dwelling unit* for living purposes and not change the residential character thereof and not have any exterior evidence of such secondary use.

HOTEL: A *building* providing lodging for *persons*, with or without meals, and intended primarily for the accommodation of transients and so designed that normal access to the rooms is through a public lobby or corridor. No room offered for rent shall have kitchen or cooking facilities.

HOUSE OF WORSHIP¹: A building or structure owned, operated, maintained and/or used by a duly amalgamated religious organization in which people regularly congregate primarily to participate in or hold religious services, worship, religious training or education, or meetings or other activities related to religious expression.

HOUSING FOR SENIOR CITIZENS: A *building* or group of *buildings* containing dwellings which the occupancy of the dwelling by *persons* *fifty-five* (55) years of age or older or couples where either spouse is fifty-five (55) years of age or older. The housing must be self-contained and physically accessible to elderly citizens.

IMPERVIOUS COVERAGE: Any material that reduces sub-surface infiltration of water and increases the volume of storm water runoff including, but not limited to: buildings, parking areas and driveways regardless of surface material, all walkways regardless of surface materials, all equipment pads and platforms, etc.

INCIDENTAL USE: A use that is customary in the case of a permitted use and incidental to it.

JUNKYARD: Any land or *building* used in whole or in part for the collecting, storage, and/or sale of waste paper, rags, scrap metal, or other similar material and including an automobile *junkyard* as defined by state law, but not including Town refuse disposal areas or Town transfer stations.

LANDSCAPING: Changing, rearranging or adding to the original vegetation or scenery of a piece of land to produce an aesthetic effect appropriate for the use to which the land is put. It may include reshaping the land by *grading*, as well as preserving the original natural vegetation or adding vegetation.

LIVABLE FLOOR AREA: The floor area of a *dwelling unit* finished for occupancy. In computing total *livable floor area*, habitable rooms, halls, and closets shall be included. The following shall not be included: utility rooms, garages; open or closed outside vestibules, porches, verandahs, or breezeways; bay windows; public stairways and hallways. *Livable floor area* shall be computed from the outside of finished outside walls.

LIVESTOCK: Animals of any kind, raised and/or maintained for sale, resale or agricultural field production. The keeping of common household pets such as dogs, cats and the like for non-commercial purposes shall not be considered as the keeping of *livestock*.

LOT: A parcel of land whose boundaries have been established by an approved subdivision/resubdivision in accordance with Section 8-18 of the General Statutes of Conn., Revision of 1958, as amended, by means of a legal instrument, such as a recorded deed, that is recognized as a separate legal entity for purposes of transfer of title. The parcel of land must also be under the same ownership and be occupied, or capable of being occupied, by one (1) principal *building* and the *accessory buildings* or uses customarily incident to it including such *yards* and open space as are required by these regulations. In the case of public, institutional, *multiple-family*, commercial or industrial *buildings*, a group of *buildings* under the same ownership may be considered as occupying the same *lot* (refer to East Hartford Design Manual).

LOT AREA: The area of land contained within the property lines of a *lot* including the area of any easement, but excluding any area within existing or designated future *street* right(s)-of-way (refer to East Hartford Design Manual).

¹ *Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004*

LOT, CORNER: A *lot* at the junction of and fronting on two (2) or more intersecting *streets* that has an interior angle of less than one hundred thirty-five (135) degrees at the intersection of two (2) *street lines* (refer to East Hartford Design Manual).

LOT COVERAGE: The percentage of the total *lot area* that may be covered by the aggregate *building area* of all *buildings* on the *lot* (refer to East Hartford Design Manual).

LOT DEPTH: The mean distance from the *street line* of the *lot* to its *rear lot line* measured in the general direction of its *side lot lines* (refer to East Hartford Design Manual).

LOT FRONTAGE: The distance between *side lot lines* of a *lot* measured along the front *street line* of a Town accepted *street* (refer to East Hartford Design Manual).

LOT, INTERIOR: A *lot* other than a corner or *through lot* (refer to East Hartford Design Manual).

LOT, LEGAL BUILDING: A *lot of record* that meets all the requirements of these regulations for the zoning district within which it is located.

LOT LINE: The boundary of a *lot* that divides it from another *lot* or from a *street*, except in the case of rear *lots* approved by the Town Planning and Zoning Commission (see below).

LOT LINE, FRONT: The line separating the *lot* from the *street* (refer to East Hartford Design Manual).

LOT LINE, REAR: That *lot line* opposite or most nearly opposite to the *front lot line* (refer to East Hartford Design Manual).

LOT LINE, SIDE: Any *lot line* not a front or *rear lot line* (refer to East Hartford Design Manual).

LOT, NONCONFORMING: A *lot* that lawfully existed prior to the adoption, revision or amendment of these regulations but that fails by reason of such adoption, revision or amendment to conform to the zone in which it is located.

LOT OF RECORD: A *lot* that exists prior to the adoption of subdivision regulations as shown or described on a plat or deed filed in the records of the Town Clerk.

LOT, THROUGH: A *lot* other than a *corner lot* having frontage on two (2) parallel or approximately parallel *streets* (refer to East Hartford Design Manual).

LOT WIDTH: The distance between the *side lot lines* measured in a straight line at right angles to the mean direction of such *side lot lines*, which line of measurement shall touch but not be in front of the *building line*. In the case of a *corner lot*, the *street line* that has the least dimension shall be considered to be the *front lot line* and the *lot lines* adjacent thereto shall be considered to be the side *lots* (refer to East Hartford Design Manual).

MAJOR RECREATIONAL EQUIPMENT shall include the following:

- a. **Travel Trailer** - a vehicular portable *structure* built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation use, permanently identified “travel trailer” by the manufacturer of the trailer.
- b. **Pickup Coaches (Camper)** - A *structure* designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational or vacation use.
- c. **Motorized Dwelling (Home)** - A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d. **Tent (Camping Trailer)** - A fabric folding *structure* mounted on wheels and designed for travel use.

- e. **Auto Camper** - A lightweight unit that fits on top of a vehicle designed primarily for recreational use.
- f. **Aquatic and Off-Road Vehicles** - Include boats, ski mobiles, dune buggies, amphibious vehicles, dirt bikes, and the like including trailers, cases, or boxes used for transporting such vehicles to point of use.

MARINA: A facility for storing, servicing, fueling, berthing and securing and launching of private pleasure craft that may include the sale of fuel and incidental supplies for the boat *owners*, crews and guests.

MOBILE HOME: A factory-built, single-family *structure* that is manufactured under the authority of 42 U.S.C. Sec. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one (1) or more sections, is built on a permanent chassis, and is used as a place of human habitation with a means to connect to water, sanitary and electric facilities but that is constructed with a permanent hitch or other device allowing transport of the unit, other than for the purpose of delivery to a permanent site, and which has wheels or axles permanently attached to its body or frame. For the purposes of this definition, “*mobile home/manufactured home*” meets all federal regulations and shall be used interchangeably. Notwithstanding the foregoing, any *mobile home* in existence and presently occupied within the town which met the definition of “*mobile home* set forth in the zoning regulations in effect prior to the effective date of these regulation shall be considered a “*mobile home*” within this definition.

MOBILE HOME PARK: Any site or tract of land upon which seventy-five (75) or more *mobile homes* for dwelling or sleeping purposes are located, regardless of whether or not a charge is made for such service, or any site or tract of land designated for such purposes.

MOBILE HOME PARK SUBDIVISION, EXISTING: A parcel of land under single ownership that has been planned and improved for the placement of *mobile homes* for dwelling purposes.

MOBILE HOME SPACE: A plot of ground within a *mobile home park* designed for the accommodation of one (1) *mobile home* in accordance with these regulations.

MODIFICATION: Any change of a site plan from that plan brought in for initial review by an applicant and approved by the Commission, and as may be further modified by minor field adjustments as authorized by the Town Engineer. Such change incorporates all implemented aspects of the approved site plan as recommended by the Town Engineer, the Town Planner, the Director of Development, the Fire Marshal, the Police Chief, the Director of Inspections and Permits, the Director of Health, the Director of Public Works, the Corporation Counsel, and/or their authorized agents, and the Design Review Committee, as well as all changes requested or required by the Planning and Zoning Commission. When each plan is brought in for initial review, it will be stamped with the following: “This plan has been submitted to the Planning and Zoning Commission, and any *modifications* of this plan are subject to bonding in accordance with Section 706 of the zoning regulations”.

MOTEL: A *building* that provides lodging for *persons*, with or without accessory restaurant facilities, and intended, designed, and used primarily for the accommodation of transients in which each room offered for rent shall have no kitchen or cooking facilities, and so designed that access to the room is direct from the out-of-doors. “*Motels*” shall also include “motor *hotel*”.

MULTIPLE-FAMILY DWELLING: A dwelling containing four (4) or more *dwelling units*.

NET BUILDING FLOOR AREA: The total area of all floors of a *building* as measured to the inside surfaces of interior walls excluding common halls, stairways and elevator shafts.

NET LEASABLE/RENTABLE AREA: The total area of all floors of a *building* as measured to the inside surfaces of interior walls excluding common halls, stairways and elevator shafts.

NONCONFORMING LOT: SEE LOT, NONCONFORMING

NONCONFORMING USE: Any use of land or *buildings* that is not permitted by any provision of these regulations (including previously approved special permits) for the district in which such use is covered, but that was legally in existence at the effective date of any such provision or any amendment thereto.

NONPROFIT ORGANIZATION: An organization which qualifies as a nonprofit enterprise under applicable state and/or federal law.

¹**OUTDOOR RESTAURANT DINING FACILITIES “PERMANENT”:** Any outdoor seasonal dining area comprised of a permanent dedicated area associated with a *restaurant/eating establishment*, in which customers are served their food, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed. The food, frozen desserts, or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. Customers are not expected to clear their trash.

OUTDOOR RESTAURANT DINING FACILITIES “TEMPORARY SEASONAL”: Any outdoor seasonal dining area associated with a *restaurant/automobile oriented use* or *restaurant/eating establishment* as an *accessory use*, provided such area is less than 25% of the *gross floor area* of the restaurant and whose design or principle method of use includes both or the following characteristics:

- a. Dining facilities consisting of weather resistant outdoor furniture, which is not located on a deck, patio, dock or any other permanent roofed or unroofed *structure*.
- b. Food, frozen desserts, beverages are usually served over a general service counter for the customer to carry to an outdoor seasonal seating area, customers generally are expected to clear their own tables and dispose of their trash.

This definition does not include retail grocery stores, convenience stores, catering halls, or other businesses selling food or beverages as a clearing *accessory use* or specialty retail food establishments without drive-in windows.

OWNER: Any *person*, firm, association, syndicate, partnership or corporation having such other interest or estate therein as will permit the exercise of effective possession thereof or dominion or control thereover.

PARKING SPACE: The area required for parking an automobile, not including passageways and driveways appurtenant thereto and giving access thereto, and having direct access to a *street* or alley (refer to East Hartford Design Manual).

PASSIVE SOLAR SYSTEM: A system that uses direct heat transfer from thermal mass instead of mechanical power to distribute collected heat. Passive systems rely on *building* design and materials to collect and store heat and to create natural ventilation for cooling.

PERSON: Any individual, firm, association, partnership, *owner*, corporation, lessee or licensee.

PREMISES: All land comprising a *lot* and including all *buildings* and uses located on the *lot*.

²**PUBLIC STORAGE:** Interior storage spaces for rental to the general public in discrete cubicles not less than twenty (20) square feet nor more than five hundred (500) square feet in area.

RESTAURANT/AUTOMOBILE ORIENTED USE: An establishment which provides as a principal use the sale of food or beverages in a ready-to-consume state for consumption, within a motor vehicle, or off-*premises*, and the design or principal method of operation of which includes one (1) or more of the following characteristics:

- a. Food, frozen desserts, or beverages are served in edible containers or in paper, plastic or other disposable containers. Eating utensils, if provided, are disposable.
- b. Food, frozen desserts, or beverages are usually served over a general service counter for the customer to carry to a seating facility within the restaurant, to a motor vehicle or off-*premises*. If consumed on *premises*, customers generally are expected to clear their own tables and dispose of their trash.

¹ *Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003*

² *Amendment to Article II: General Provisions, Section 200. Effective Date: January 12, 2005*

- c. Forty-five (45) percent or more of the *gross floor area* of the establishment is devoted to food preparation, storage and related activities and is not accessible to the general public.
- d. Food, frozen desserts, or beverages are served to the occupants of a motor vehicle while seated therein such as through a drive-in window.

This definition does not include retail grocery stores, convenience stores, catering halls¹, or other businesses selling food or beverages as a clearly *accessory use* or for off-*premises* preparation or specialty retail food establishments without drive-in windows. Moreover, for the purposes of this regulation a *restaurant/automobile oriented use* shall not be deemed a *restaurant/eating establishment*.

RESTAURANT/EATING ESTABLISHMENT: Any establishment which provides as a principal use, the sale of food, frozen desserts, or beverages intended for consumption within the establishment, and whose design or principal method of operation includes both of the following characteristics:

- a. Customers are served their food, frozen desserts or beverages by a restaurant employee at the same table or counter at which said items are consumed.
- b. The food, frozen desserts, or beverages are served on non-disposable plates or containers and non-disposable eating utensils are provided. Customers are not expected to clear their trash.

Notwithstanding the above, a cafeteria where food, frozen desserts, or beverages are generally consumed within the establishment and served on non-disposable plates or containers, and non-disposable eating utensils are provided shall be deemed an eating establishment.

Restaurant/eating establishment may provide a carry-out service, provided that such carry-out service is clearly not the principal business of such establishment.

ROOMING HOUSE: A *building* arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one-family dwelling or a two-family dwelling.

ROOMING UNIT: Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

SEDIMENT: Solid material, either mineral or organic that is in suspension is transported, or has been moved from its site of origin.

SERVICE ESTABLISHMENT: Establishment primarily engaged in commercial activities that sell or purchase specialized private services in a financial transaction that does not produce any tangible commodity such as, but not limited to, barber shop/dry-cleaning, excluding adult entertainment, as defined in these regulations and excluding auto service and repair.

SETBACK: The required minimum horizontal distance between the *building lines* and the related front, side or rear property lines (refer to East Hartford Design Manual).

SEXUAL ACTIVITIES, EXCLUSIONS: As used in these regulations, this term is not intended to include any medical publications or films or bona fide educational publication or films, nor does it include any art or photography publications which devote at least twenty-five (25) percent of the lineage of each issue to articles and advertisements dealing with subjects of art or photography. Nor does this definition apply to any news periodical which reports or describes current events and which, from time to time, publishes photographs of nude or semi-nude *persons* in connection with the dissemination of the news. Nor does this definition apply to publications or films which describe and report different cultures and which, from time to time, publish or show photographs or depictions of nude or semi-nude *persons* when describing cultures in which nudity or semi-nudity is indigenous to the population.

¹ Amendment to Article II: Addition of Catering Halls to Restaurant/Automobile Oriented Use definition in the General Provisions, Section 200. Effective Date: May 4, 1999

SEXUAL ACTIVITIES, SPECIFIED:

- a. human genitalia in a state of sexual stimulation or arousal;
- b. Acts of human masturbation, sexual intercourse or sodomy; or
- c. Fondling or other erotic touching of human genitalia, pubic region, buttocks, anus, or female breasts.

SHOPPING CENTER/MALL: A *lot* containing not less than five (5) retail stores that is under single ownership and/or control, including single leasehold interest, having a total ground floor *building* area of not less than eighty thousand (80,000) square feet, a total *lot area* containing not less than three hundred twenty thousand (320,000) square feet, and immediate adjoining off-street parking facilities for not less than four hundred (400) automobiles.

SIGN: Any device for visual communication used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag or insignia of any government or religious agency or of any fraternal, civic, charitable or religious organization.

SIGN, ADVERTISING (BILLBOARD): A *sign* that directs attention to a business, product, service or activity not conducted, sold or offered upon the *premises* where such *sign* is located.

SIGN, BUSINESS: A *sign* advertising a business, product, service, activity or entertainment conducted, sold or offered upon the *premises* where such *sign* is located and where reference to any name brand is clearly secondary and incidental to the business, product, service activity or entertainment so offered.

SIGN, WINDOW: A *sign* painted, stenciled or affixed on a window.

SOIL: Any earth, sand, clay, loam, gravel, humus, rock, or dirt, irrespective of the presence or absence therein of organic matter; any unconsolidated mineral and organic material of any origin.

SOIL-EROSION AND SEDIMENT-CONTROL PLAN: A scheme that minimizes *soil erosion* and sedimentation and includes, but is not limited to, a map and narrative. The map shall show topography, cleared and graded areas proposed area alteration and the location of and detailed information concerning *erosion* and *sediment* measures and facilities. The narrative shall describe the project, the schedule of major activities on the land, the application of conservation practices, design criteria, construction details and the maintenance program for any *erosion-* and *sediment-control* facilities that are installed.

SOLAR ACCESS: Access that protects solar energy collection areas from being blocked or shadowed from direct sun exposure between the hours of 10:00 A.M. and 2:00 P.M.

SOLAR COLLECTOR: A device or combination of devices or parts of a device or *structure* that require access to sunlight to transform direct solar energy into thermal, mechanical, chemical, or electrical energy that will contribute significantly to the *structure's* energy supply. To be utilized in a cost effective manner, the collector should be oriented to within twenty-two and one-half (22.5) degrees true south.

SOLAR GREENHOUSE: A mainly transparent *structure* that permits maximum collection of diffuse sky radiation. A greenhouse is optimally orientated on an east-west axis, the south-facing roof being transparent and the north-facing wall being insulated with a reflective cover on the interior face. Greenhouse glass allows virtually all the visible solar radiation striking its surface to pass through, and materials inside a greenhouse will absorb the thermal energy and re-radiate the absorbed energy inside the enclosed space.

SOLAR RETROFIT: The addition of materials and/or devices to an existing *building* to provide energy from solar collection.

START OF CONSTRUCTION: The first placement of permanent construction of a *structure* (other than a *mobile home*) on a site such as the pouring of slabs or footings or any work beyond the state of excavation. Permanent construction does not include land preparation such as clearing, *grading*, and filling, nor does it include the installation of *streets* and/or walkways; excavation for a basement, footings, piers or foundations or erection of temporary forms; the installation on the property of *accessory buildings* such as garages or sheds not occupied as *dwelling units* or not as part of the main *structure*. For a *structure* (other than a *mobile home*) without a basement or poured footings, the “*start of construction*” includes the first permanent framing or assembly of the *structure* or any part thereof on its piling or foundation. For *mobile homes* not within a *mobile home park* or *mobile home* subdivision, “*start of construction*” means the affixing of the *mobile home* to its permanent site. For *mobile homes* within *mobile home parks* or *mobile home* subdivisions, “*start of construction*” is the date on which the construction of facilities for servicing the site on which the *mobile home* is to be affixed (including, at a minimum, the construction of *streets*, either final site *grading* or the pouring of concrete pads, and installation of utilities) is completed.

STORY: That portion of a *building* included between the upper surface of a floor and the upper surface of the floor or roof next above.

A mezzanine shall be deemed a full *story* when it covers more than thirty-three (33) percent of the area of the *story* underneath said mezzanine.

For the purpose of these regulations, a basement or cellar shall be counted as a *story* if its ceiling is more than five (5) feet above the level from which the height of the *building* is measured or if it is used for business purposes, or if it is used for dwelling purposes by other than a janitor or domestic servants employed in the same *building*, including the *family* of the same.

STORY, GROUND: The lowest *story* of a *building* the floor of which is not more than twelve (12) inches below the level of the lowest abutting exterior finished grade.

STORY, HALF: The part of a *building* between a pitched roof and the uppermost full *story*.

STREET: Any thoroughfare or public way other than an alley that has been accepted by the Town or the State and is not less than twenty-five (25) feet in width and gives access to *lots*. “*Street*” shall be deemed to include the entire width of the right-of-way.

STREET LINE: The dividing line between the *street* and a *lot*.

STRUCTURE: That which is built or constructed.

SUBSTANCE ABUSE TREATMENT FACILITIES¹: Any *structures* or land used for the care or treatment of persons suffering from alcoholism or other drug addiction.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a *structure*, the cost of which equals or exceeds fifty (50) percent of the market value of the *structure* either:

- a. Before the improvement or repair is started, or
- b. If the *structure* has been damaged and is being restored, before the damage occurred. For the purpose of this definition, “*substantial improvement*” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the *building* commences, whether or not that alteration affects the external dimensions of the *structure*.

The term does **not**, however, include either:

- a. Any project for improvement of a *structure* to comply with existing state or local health, sanitary, or safety code specifications that are solely necessary to assure living conditions, or
- b. Any alteration of a *structure* listed on the National Register of Historic Places or a State Inventory of Historic Places.

¹Amendment to Article II: General provisions, Section 200. Effective Date: August 13, 2003

SWIMMING POOL: A pool used for swimming or bathing having a depth of twenty-four (24) inches or more or any pool permanently equipped with a water recirculating system or involving structural materials.

TOPSOIL: *Soil* that in its natural state constitutes the top layer of earth, is composed of two (2) percent or more by weight of organic matter and has the ability to support vegetation.

TOWER¹: A structure that is intended to support equipment used to receive and/or transmit electromagnetic waves or other purpose. Design examples of towers include, but are not limited to, self-supporting lattice, guyed and monopole.

TRUCK GARDEN: The raising of vegetables for sale either at wholesale or retail.

TRUCK TERMINAL²: A *structure* or land used or intended to be used primarily to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate the transportation of such goods or chattels or for truck or truck-trailer parking or storage. A trucking terminal may include as an *accessory use* only facilities for trucking personnel, facilities for the service or repair of proprietor trucks only, or third party trucks associated with the trucking terminal as allowed by the permitted zone and necessary space for the transitory storage of goods or chattels. The term “*Truck Terminal*” includes facilities for the storage of freight-shipping containers designed to be mounted on chassis for part or all of their transport, but does not include a *warehouse* as defined herein or moving and storage establishment. Land used for the parking, storage or repair of trucks used as an accessory to a lawful business or industrial use of the land that such parking or storage area forms a part of shall not be considered a trucking terminal within the meaning of this definition. As used in this definition, the terms “trucks”, “truck-trailers”, and “truck tractors” do not include any vehicle whose maximum gross weight is ten thousand (10,000) pounds or less, as rated by the State of Connecticut Department of Motor Vehicles.

TRUCK TERMINAL, CLASS I: A trucking facility of ten (10) acres or more whose primary purpose is to accommodate the transfer of goods or chattels from trucks or truck trailers to other trucks or truck trailers or to vehicles of other types in order to facilitate the transportation of such goods or chattels.

TRUCK TERMINAL, CLASS II: A trucking facility other than a Class I Trucking Terminal, including a truck *yard*, the primary purpose of which is to accommodate the parking or storage of trucks, truck trailers, or truck tractors.

UTILITY TRAILER: A vehicle designed to be towed by an automobile or small truck excluding trailers built to be towed by tractor trucks.

VARIANCE: A grant of relief by the Zoning Board of Appeals from the requirements of the ordinance that permits construction and/or use in a manner that would otherwise be prohibited by this ordinance.

WAREHOUSE: A *building* used primarily for storage of goods and materials provided such storage is in compliance with Connecticut Fire Safety Code Chapter 541 as amended, Federal Occupational Standard 1910.1200 as amended, Environmental Protection Agency Emergency Planning and Community Right to Know Act of 1986 as amended, and Department of Transportation Code of Federal Regulation 49 as amended.

WATER WALL: An interior wall of water-filled containers, constituting a one step heating system that combines collection and storage.

WORK STUDIO/DWELLING: A combination work place and *dwelling unit* for artists consisting of one (1) or more floors which are arranged and designed and used as a *dwelling unit* with lawful sanitary facilities and including adequate working space for the *persons* residing therein.

YARD: A space not occupied by a principal *building* or *accessory buildings*, as permitted herein, open to the sky on the same *lot* as the principal *building*.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: July 18, 1997

² Amendment to Article II: General Provisions, Section 200. Effective Date: May 4, 1999

YARD, FRONT: An open space extending across the full width of the *lot* and lying between the front line of the *lot* (the *street line*) and a parallel line known as the *building line* at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual).

YARD, REAR: An open space extending across the full width of the *lot* and lying between the *rear lot line* of the *lot* and a parallel line known as the *building line* at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual).

YARD, SIDE: A *yard* between the *side lot line* of the *lot* and a parallel line at a distance therefrom as specified by these regulations (refer to East Hartford Design Manual).

Section 201 Application of Zoning Regulations

No *building, structure* or land shall hereinafter be used or occupied, and no *building* or *structure* or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

Section 202 Lots Lying in More Than One Zone

In the event that one (1) contiguous parcel of land under common ownership as of the effective date of these regulations shall lie in two or more zones, a less restrictive use may be permitted by the Commission on a special permit use basis to extend into a more restrictive zone a distance of not more than one hundred (100) feet in depth, limited in extension. This extension privilege shall not apply to property the frontage of which is located in a Business or Residential Zone and that has a frontage width greater than two hundred (200) feet.

Section 203 Buffer Strips

203.1 Buffer Strips – Industrial 2, Industrial 3

In any Industrial Zone where the premises are occupied by a building or other use and abuts a Residential Zone, there shall be a fifty (50) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (Refer to East Hartford Design Manual):

- a. Any building in an Industrial 3 (I-3) Zone measuring over fifty (50) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over fifty (50) feet in height,
- b. Any building in an Industrial 2 (I-2) Zone measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
I-2	50 Feet	25 Feet
I-3	50 Feet	50 Feet

203.2 Buffer Strips: Business 1A, Business 1, Business 2, and Business 4

In any zone designated Business 1A (B-1A), Business I (B-1), Business 2 (B-2), or Business 4 (B-4) where the premises are occupied by a building or other use and abuts a Residential Zone, there shall be a fifteen (15) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (Refer to East Hartford Design Manual):

- a. Any building in a Business 1A (B-1A) or Business 1 (B-1) Zone measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five feet in height,
- b. Any building in a Business 2 (B-2) Zone measuring over fifty (50) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over fifty feet in height,

203.2 Continued

- c. Any building in a Business 4 (B-4) Zone measuring over one hundred five (105) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over one hundred five (105) feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
B-1A	15 Feet	25 Feet
B-1	15 Feet	25 Feet
B-2	15 Feet	50 Feet
B-4	15 Feet	105 Feet

203.3 Buffer Strips – Business 3

In any zone designated Business 3 (B-3) where said premises are occupied by a building or other use and abuts a Residential Zone, there shall be a twenty-five (25) foot landscaped buffer strip.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (refer to East Hartford Design Manual):

- a. Any building measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five (25) feet in height,

ZONE	BASE BUFFER	HEIGHT BUFFER
B-3	25 Feet	25 Feet

203.4 Buffer Strips – Residential

In any zone designated residential where the use requires a special permit, there shall be fifteen (15) foot landscaped buffer strips.

In addition, subject to the provisions of 203.5, the following height buffer shall be required unless permitted by special permit by the Planning and Zoning Commission to be closer. The buffer strip may consist of shrubs, hedges, planted berms or trees of sufficient mass to be opaque (refer to East Hartford Design Manual):

- a. Any building measuring over twenty-five (25) feet in height must add one (1) foot to the required buffer strip for every one (1) foot over twenty-five (25) feet in height.

203.5 Exemptions

- a. Buildings which existed prior to March 15, 1997 and do not meet the additional height buffer requirements of Sections 203.1, 203.2 or 203.3 shall be exempt from the requirement of one (1) foot of setback from Residential Zones for every one (1) foot of height. Additions constructed to such existing buildings shall also be exempt from the one (1) foot setback for every one (1) foot of height requirement provided that said addition/additions do not encroach on any required base buffer strip at the time of the adoption of these regulations.
- b. Additions to existing buildings that have been exempted in Section 203.5.a will be permitted provided the building's footprint or height causing the initial exemption will be the only exemption allowed. No additions will be permitted that would create the need for an additional exemption.

203.6 Lots Lying in more than one (1) zone

Where the zoning district boundary divides a lot as described in Section 202, the prescribed buffer strip shall be established at the lot line or at the edge of the permitted one hundred (100) foot extension in the Residential Zone.

Section 204 Access Through Residential Zone or Buffer Strip Prohibited

A private road, private driveway or other private vehicular way of access servicing a business or industrial use shall not be constructed through a Residential Zone or buffer strip.

Section 205 Nonconforming Uses

205.1 Continuances of Nonconforming Uses:

Any *nonconforming use* of land or *buildings* lawfully existing at the effective date of these regulations or of any pertinent amendment thereto may be continued, and any *building* so existing that was designed, arranged, intended for, or is devoted to a *nonconforming use* may be structurally altered and the *nonconforming use* therein continued, all subject to the following requirements:

- a. No *nonconforming use* shall, once changed to a conforming use, be changed again to a *nonconforming use*;
- b. The area of any *nonconforming use* shall not be enlarged, nor shall it occupy a different portion of the *lot* than it did on the effective date of these regulations or any amendment thereto, nor shall it be changed in any manner to diminish any conforming use;
- c. The Zoning Board of Appeals shall not grant any *variances* that permit *nonconforming uses* to increase height, volume or intensity of any use, *building* or *structure* or to increase the density of development beyond that permitted by these regulations for any particular zone; and
- d. The Planning and Zoning Commission by special permit under Section 207 may allow a change from one *nonconforming use* to another *nonconforming use*. The Planning and Zoning Commission shall determine whether the proposed use is similar to the existing use and whether the proposed use will have no greater of an impact upon the surrounding area than the existing use. The required parking and loading spaces shall be provided as if it were a permitted use.

205.2 Enlargement of Nonconforming Buildings

No *building* that is located on a *nonconforming lot* and/or that itself is nonconforming with respect to any requirement of these regulations shall be enlarged unless such enlarged portion conform to the provisions of these regulations. No *nonconforming use* of a *structure* shall be extended to occupy land outside such *structure* or space within another *structure*.

205.3 Reconstruction of Nonconforming Structures

- a. If any nonconforming *structure* shall be destroyed by fire or other casualty to an extent of more than fifty (50) percent of its replacement cost at the time of the casualty, such *structure* shall not be reconstructed or repaired unless the *structure* and use are made to conform in all respects to these regulations. Where the destruction is fifty (50) percent or less of its replacement value as determined above, the *structure* may be reconstructed or repaired, provided that such reconstruction is started within a period of one (1) year from such casualty and is diligently prosecuted to completion. In the event of failure to start such reconstruction or repair within a period of one (1) year from such casualty and to complete the same within twenty-four (24) months from such casualty, the right under this section to reconstruct or repair such nonconforming *structure* and the right to resume such *nonconforming use* shall be lost and terminated.
- b. If the nonconforming *structure* is located in the Flood-Hazard Zone, the reconstruction will be permitted provided that the new *structure* complies with the provisions of Section 600 of these regulations.

205.4 Necessary Repairs Permitted to Nonconforming *Buildings*

Nothing in these regulations shall prevent the strengthening or restoration to a safe or lawful condition any part of a *building* or *structure* declared unsafe by the Director of Inspections and Permits, Fire Chief, or any duly authorized official.

Any *structure* located in an *area of special flood hazard* that sustains damage by any origin or is proposed to be altered, added to or renovated shall be subject to the more stringent requirements of the “*substantial improvement*” definition contained in Article II - Definitions and Article VI—Special District Zoning Regulations.

Section 206 *Change of Plans*

Nothing in these regulations shall require any change in plans, construction or designed use of a *building*, the construction of which shall have been commenced prior to the effective date of these regulations or any pertinent amendment thereof and that is diligently prosecuted to completion in accordance with the provision of the adopted building code.

Section 207 Special Permit Uses

207.1 Authority

In accordance with the procedures, standards and conditions hereinafter specified, the Planning and Zoning Commission may grant a special permit for the establishment of one (1) or more of the uses declared to possess such special characteristics that each shall be considered as an individual case, and approval or denial of any one (1) such use in a given district shall not be deemed as precedent setting for approval or denial of further applications.

207.2 Intent

While these zoning regulations are based upon the division of the Town into districts, within each of which the use of land and *structures* and the bulk and location of *structures* in relation to the land are substantially uniform, it is recognized that certain other uses and features could be appropriate in such districts if controlled as to number, area, location, or relation to the neighborhood so as to promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Where provided elsewhere in these regulations, such uses and features shall be treated as a special permit use and shall be deemed to be permitted in their respective districts subject to the satisfaction of the requirements and standards set forth herein, in addition to other requirements of these regulations. All such uses are declared to possess such special characteristics that each shall be considered as an individual case, and approval or denial of any one (1) such use in a given district shall not be deemed as precedent setting for approval or denial of further applications.

207.3 Planning and Zoning Commission Responsibilities

- a. Special permits shall be granted only when the Planning and Zoning Commission finds, after public hearing, that the proposed use or the proposed extension or alteration of an existing use is in accord with public interest, convenience, and welfare after taking into account, where appropriate:
 1. The nature of the proposed site including its size and shape and the proposed size, shape and arrangement of *structures*;
 2. The resulting traffic patterns and adequacy of proposed off-street parking and loading;
 3. The nature of the surrounding area and the extent to which the proposed use or feature will be in harmony with the surrounding area;
 4. The proximity of dwellings, *houses of worship*¹, schools, public *buildings*, and of other places of public gatherings;
 5. All standards contained in these regulations;
 6. The Plan of Development for the Town of East Hartford and other expressions of the purpose and intent of these regulations; and
 7. The possibility of inclusion of passive solar design or provisions for *solar access* or the protection of *solar access* into *multiple-family* proposals.
- b. The Planning and Zoning Commission shall require that a plan of development for a proposed special permit use shall be submitted showing the location of all *buildings*, parking areas, traffic access and circulation, open spaces, *landscaping* and other pertinent information that may be necessary in the opinion of the Commission to determine that the proposed special permit use is in harmony with the intent of these regulations, and that such special permit use is not likely to create traffic safety or congestion problems, or cause depressed values or have other detrimental effects on properties in the surrounding neighborhood. If the special permit is granted and the formal site plan

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: march 10, 2004

207.3 Continued

is submitted for approval that differs in significant respects from the approved special permit prepared for the site during the special permit process, the Planning and Zoning Commission shall require the applicant to re-apply for the special permit.

207.4 Application Procedure and Requirements

- a. Application for special permit use approval shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least thirty-four (34) days prior to the regularly scheduled or special meeting of the Planning and Zoning Commission during which the application is to be heard. Twenty (20) copies of the application shall be filed and shall contain the following information:
 1. Address or location of subject parcel;
 2. Size of subject parcel;
 3. Zone of subject parcel;
 4. Statement regarding how the proposed special use will relate to the adopted Plan of Development;
 5. Statement regarding how the proposed special use will be of benefit to the Town of East Hartford;
 6. Name, address, telephone number of petitioner(s);
 7. Name, address, telephone number of *owner*(s);
 8. Signature of *owner*(s);
 9. Signature of petitioner(s); and
 10. Names and addresses of all property *owners* located within two hundred (200) feet of all the boundaries of the affected property according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating a two hundred (200) foot radius around the subject site.
- b. Accompanying the application form shall be:
 1. A check made payable to the Treasurer, Town of East Hartford, in the amount established by the Town of East Hartford;
 2. Twenty (20) copies of a vicinity map that shows the location of affected property boundaries and the surrounding area at least one-half (0.5) mile in all directions of said property;
 3. Twenty (20) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by The Connecticut Association of Land surveyors, Inc. (1975), as subject to amendment) site plan clearly drawn by a licensed land surveyor, to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes. The following information shall be shown as a minimum:
 - (a). Date, true north arrow, and scale;
 - (b). The boundary line of the tract with accurate linear and angular dimensions drawn to scale;

207.4 Continued

- (c). Existing and proposed ground contours with a vertical interval of two (2) feet referred to sea-level datum;
 - (d). The locations of existing property lines, *streets*, *buildings*, watercourses, bridges, utility lines, culverts, drainpipes and utility easements both on the land to be developed and on lands within two hundred (200) feet of such proposed development;
 - (e). The names, location and dimensions of proposed *streets*, *buildings*, parking area, traffic access and circulation, walkways, recreation areas, fencing, *landscaping* and utility layouts (including storm drainage) showing feasible connections to existing utility systems;
 - (f). The location of designated regulated areas including inland wetlands and Flood Hazard Zone; and
 - (g). All plans shall be certified and signed as per Connecticut General Statutes. Certification shall include both impression, ink seal, and live signature of licensed design professional(s).
4. Special permit applications involving existing *structures* where no exterior physical improvements are contemplated shall be exempt from the requirements of Section 207.4b3 subsections (a), (b), (c), (d), (e), (f), (g).
- c. The applicant shall submit additional information or material if required by the Planning and Zoning Commission.
 - d. Unless otherwise specified herein, a special permit use shall conform to the area, *yard*, *lot coverage*, floor area, and height restrictions of the zone in which it is located. Where two (2) or more special permit uses are applied for on the same *premises*, the minimum *lot area* shall be the total of the minimum requirements for each use as specified in these regulations.
 - e. Submission of inaccurate or incomplete material or information shall be grounds for denial of the application.
 - f. One (1) additional copy of the petition and site plan shall be filed by the petitioner in the Town Clerk's office on or before the established application close-out date.
 - g. In no case in which a petitioner requires a change of zone for any portion of the land affected by the special permit use shall the petitioner make application for zone change to be heard at the same public hearing at which the special permit use application would be heard.
 - h. If the proposed special permit use requires a *variance* from the Zoning Board of Appeals, the applicant must be granted such approval before the public hearing on said special permit use application.
 - i. In the event that a special permit use has previously been approved for a specific site and said site is subsequently not occupied for approved use or is subsequently vacated, a new special permit application is required for the site if the proposed new use differs from that previously granted.

207.5 Additional Conditions and Safeguards

In granting any special permit, the Planning and Zoning Commission shall attach such additional conditions and safeguards as are deemed necessary to protect the neighborhood, which may include, but is not limited to the following:

- a. Requirement for *setbacks* greater than the minimum required by these regulations;

207.5 Continued

- b. Requirement for screening of parking areas or other parts of the *premises* from adjoining *premises* or from the *street* by walls, fences, plantings, or other devices as specified by the Planning and Zoning Commission;
- c. *Modification* of the appearance of exterior features of any *structure* when deemed necessary to be in harmony with the surrounding area;
- d. Limitation of size, number of occupants, methods or time of operation, or extent of facilities;
- e. Regulation of number, design, and location of access drives or operation or extent of facilities;
- f. Requirement for off-street parking or other special features beyond the minimum required by these regulations or other applicable codes or regulations;
- g. Regulation of the number, type and location of outdoor lighting facilities;
- h. Any data, plans, or drawings, including architect's plans or drawings, voluntarily submitted by the applicant or his duly authorized agent in support of his application and not required by this and other applicable sections of these regulations may be accepted in whole or in part by the Planning and Zoning Commission and may be made additional requirements and conditions of the permit when granted; and
- i. Requirement of demonstrating that passive solar and energy conservation techniques have been considered in the design of *structure*, *structure* orientation, *street* and *lot* layout, placement of vegetation, use of natural and man-made topographical features and protection of *solar access* within a development.

207.6 Required Public Notices for Special Permit Applications

No special permit use shall be granted until a public hearing in relation thereto has been held at which parties in interest and citizens shall have the opportunity to be heard. A notice of the time and place of such hearing shall be published in a newspaper having substantial circulation in the Town at least twice, at intervals of not less than two (2) days, the first not more than fifteen (15) days, nor less than ten (10) days, and the last not less than two (2) days before the date of such hearing (see Section 8-3c(b) of the Connecticut General Statutes).

The applicant shall display a sign or signs which indicate that an application for a special permit has been filed for the area on which the sign or signs have been posted. Said sign or signs shall be erected and maintained by the applicant wherever the parcel abuts each public or private street from the day that the notice of public hearing has been posted until the first secular day following the public hearing.

All requests for withdrawal without prejudice shall be made by the applicant at least one (1) calendar day prior to the scheduled public hearing date for the application. This request shall be made before the close of Town Hall business hours.

207.7 Conditions of Approval

- a. Any *person*, firm or corporation having obtained approval of a special permit application under this section shall complete all work and comply with all conditions of approval of said site plan approval within two (2) years after said approval. In the event that all such work and/or all such conditions are not completed within said time, the approval granted shall become null and void. The Planning and Zoning Commission may file a statement to that effect upon the land records if it deems necessary in its best interest. The Planning and Zoning Commission may by resolution and without public hearing extend its approval for an additional period of one (1) year for good cause.

207.7 Continued

- b. Approval of an application for a special permit under this section shall be conditioned upon the applicant's filing of the special permit approval on the East Hartford land records as per the requirements of Public Act 75-317.
- c. In approving a special permit which, by its nature or relationship to surrounding land uses such as, but not limited to, (natural resources removal and fill, adult entertainment, etc.), has the ability to create traffic safety or congestion problems or cause depressed values or have other detrimental effects, the Commission may set or impose time periods or limits on the permit or require periodic renewal of the permit without a public hearing. In no case shall the time period condition for renewals be less than five (5) years. In the event that an appeal is taken, directly or indirectly from the Commission's approval of a special permit, the time period shall commence on the date of final resolution of disposition of such litigation. Expired special permits shall be considered null and void and of no effect.

207.8 Certificate of Special Permit Zoning Compliance

No Certificate of Zoning Compliance shall be issued until it has been determined by the Zoning Enforcement Officer that all provisions of the approval as granted by the Planning and Zoning Commission have been complied with. In those cases in which seasonal conditions prevent compliance with the provisions of the approval before the *building* is complete, the Zoning Enforcement Officer may authorize issuance of a Certificate of Zoning Compliance on the condition that all provisions of the approval are complied with as the season permits. The Zoning Enforcement Officer may also request that the applicant post a voluntary bond in the amount equal to the remaining work items to be completed. Noncompliance within that stated time shall make approval null and void unless further extended for good cause.

No change or extension of use and no alteration shall be made in a *nonconforming use* of a *building* or land without a certificate of zoning compliance having first been issued by the Zoning Enforcement Officer and a certificate of occupancy issued by the Building Official that such change, extension or alteration is in conformity with the provisions of these regulations.

207.9 Revisions and Extensions of an Approved Special Permit

Any substantial revisions of an approved special permit application and any reconstruction, enlargement, extension, moving or structural alteration of an approved special permit use or any *building* or *structure* in connection therewith shall require submission of a special permit application as for the original application. Applications for special permit amendments or *modifications* which are necessitated by site conditions or which are deemed to be in the public interest shall be made in the same manner as the original application, except that amendments or *modifications*, found to be of a minor nature or that do not materially alter the special permits as determined by the Commission may be authorized after Commission approval only in lieu of another public hearing.

207.10 Special Permit Uses Allowed in Any Zoning District

The following uses may be permitted by the Planning and Zoning Commission by special permit in any zoning district.

- a. A Town, County, State or Federal owned and/or operated *building* or facility for which such use is deemed necessary to the public convenience and welfare.
- b. A library, museum, or auditorium operated by a registered nonprofit organization.
- c. A cemetery operated by a registered nonprofit organization.
- d. A registered public utility *building* or facility that is deemed necessary to the public convenience and welfare.
- e. Bus shelters erected and maintained by the State of Connecticut or Town of East Hartford.

207.10 Continued

- f. An emergency shelter for the homeless operated by a nonprofit organization. In addition to the requirements of Article II, the following shall apply:
 - 1. The site shall be located within two hundred (200) feet of a bus stop;
 - 2. The applicant shall submit a report to the Planning and Zoning Commission, the Town Council, Mayor and Director of Social Services of the Town of East Hartford certifying the need for the facility;
 - 3. The site shall be of sufficient size and shape to provide an area for outdoor play; provided, however, the Commission may waive this requirement for a facility not designed to serve children; and
 - 4. The applicant shall provide parking at a rate of one (1) *parking space* for one (1) employee and/or volunteer on the largest shift plus one (1) space for every three (3) beds.

Section 208 Prohibition of Use Variances

The following uses shall be permitted only as described within these regulations and under no circumstances shall the Zoning Board of Appeals have the authority or power to grant such uses by *variance* in any other zoning district where those uses are not otherwise allowed.

- a. *Adult oriented establishments*
- b. Auto filling stations and *repair garages*
- c. Auto and truck sales and service
- d. Car wash establishments
- e. *Commercial recreation* - indoor
- f. Contractor's materials and equipment sales and storage
- g. Daycare centers/nurseries
- h. *Houses of worship*¹, convents and similar uses operated by a duly incorporated nonprofit organization.
- i. Liquor Stores
- j. Manufacturing, processing and assembly of goods
- k. *Mobile home parks*
- l. *Permanent seasonal outdoor dining facilities serving alcoholic beverages*²
- m. Restaurants serving alcoholic beverages
- n. *Restaurant/automobile oriented use*
- o. *Substance Abuse Treatment Facilities*³
- p. Theaters
- q. Vertical take-off and landing (VTOL)

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

² Amendment to Article II: General provisions, Section 200. Effective Date: January 8, 2003

³ Amendment to Article II: General provisions, Section 200. Effective Date: August 13, 2003

Section 209 Parking Regulations

209.1 Off-Street Parking and Loading:

- a. Parking facilities off the *street* shall be provided and used to serve all *buildings* erected, moved, altered, or enlarged and all *premises* otherwise developed. Such facilities shall be provided in accordance with the standards hereinafter specified to accommodate the motor vehicles of occupants, employees, customers, the handicapped and other *persons* normally visiting such *buildings* or *premises* at any one (1) time. Except for single and two-*family* dwellings, such paved areas shall have a minimum base of four (4) inches of processed stone or gravel and a minimum surface course of two (2) inches of asphalt or bituminous concrete. A greater thickness of each course shall be required by the Town if it is determined that the proposed parking facility requires more because of increased intensive use of the facility. The parking facilities shall provide for safe access and movement of vehicles and pedestrians. Parking facilities accessory to a single- or two-*family* dwelling shall be graded and properly drained. No off-street parking facility as required or allowed by these regulations for any zoning district shall be designed and/or located in any required *front yard* except in the paved portion of the driveway that gives access to said facility may be used for parking in a residential zone only.
- b. No required parking as specified herein shall be designated as “fee parking.” All required parking shall be open free of charge to the occupants of the *building/premises*.
- c. In any zone, no parking facilities shall be located within five (5) feet of any rear or side property line except in the paved portion of the driveway that gives access to said facility.
- d. In any zone, for any parking lots providing spaces for twenty (20) or more vehicles there shall be provided along the perimeter a landscaped area with a minimum dimension of five (5) feet planted with grass or shrubs and containing at least one (1) deciduous tree of not less than a three (3) inch caliper and at least six (6) feet in height, for every fifty (50) feet along the perimeter of the parking area. Such distance may be increased for lanes of ingress and egress. The parking lot shall be illuminated. Where the parking area is functionally integrated with an adjacent parking area, the Planning and Zoning Commission may approve a *modification* to these regulations upon the acquisition of a special permit.
- e. All such uses providing *parking spaces* for more than fifty (50) vehicles are also required to provide at least ten (10) square feet of interior *landscaping* for each *parking space* within the boundary of the paved portion of the parking area for each *parking space*. Each separate landscaped area shall contain a minimum of one hundred (100) square feet, shall have a minimum dimension of at least nine (9) feet, and shall include at least one (1) deciduous tree of not less than three (3) inch caliper, at least six (6) feet in height (refer to East Hartford Design Manual).

209.2 Location of required parking facilities

Required parking facilities shall be located on the same *lot* as the *building* or use that they serve except that required spaces serving a nonresidential use may be permitted elsewhere by the Commission on a special permit use basis. Such off-site parking facilities shall be not more than five hundred (500) feet walking distance from the *premises* measured in a straight line to the nearest space for vehicular parking.

209.3 Areas of required parking facilities

Unless otherwise specifically approved by the Commission, required parking facilities for passenger vehicles shall contain not less than the minimum areas set forth below. Roof top or indoor parking may be included in the required area. Where two (2) or more uses are on the same *premises*, the minimum number of *parking spaces* shall be the total of the minimum number of *parking spaces* for each use as required in these specifications. Unregistered vehicles shall not be parked or stored on any residentially zoned property other than in completely enclosed *buildings*.

209.3 Continued

- a. Automobile sales - one (1) legal *parking space* for every five (5) unregistered vehicles intended for sale and storage.
- b. Bowling alleys - five (5) spaces for each alley
- c. *Catering halls* - one (1) space for each three (3) legal occupants.
- d. *Houses of worship*¹, *commercial recreation*, theaters, public assembly halls, stadiums and restaurants - one (1) space for every three (3) legal occupants.
- e. Filling stations, *repair garages*, and auto body repair shops - four (4) spaces for each service or work station, i.e., area in which an automobile is fueled or serviced.
- f. Financial institutions - one (1) space for each two hundred and fifty (250) square feet of *gross floor area*.
- g. Funeral homes - one (1) space for each three (3) legal occupants plus three (3) spaces for special vehicles.
- h. *Home occupation* - One (1) space in addition to the required parking for the dwelling.
- I. Hospitals - one (1) space for each two (2) patient beds plus one (1) space for each employee on the largest shift.
- j. Manufacturing plants - one (1) space for every three hundred (300) square feet of floor area excluding that area used for storage.
- k. *Mobile home parks* - two (2) spaces for each *mobile home*, except that *mobile home park* which provided one (1) *parking space* for each *mobile home* on October 1, 1972 shall only be required to maintain one (1) *parking space*.
- l. *Motels*, tourist cabins, *hotels*, and *rooming houses* - one (1) space for each room offered for rent.
- m. *Multiple-family dwelling* - two (2) spaces per *dwelling unit*, except for three-bedroom and four-bedroom units that require two and one-half (2.5) spaces per unit. An additional twenty (20) percent of the total spaces shall be designated for visitor parking. For *dwelling units* in *multiple-family* complexes of more than three stories, the applicant may apply for a special permit to reduce the parking requirement to as low as one and one-half (1.5) spaces per one bedroom unit and two (2) spaces per two bedroom unit or larger. The applicant must demonstrate that parking demand will be lower or that a workable shared parking arrangement can be used to make up the shortfall in spaces.
- n. Museums operated by a nonprofit corporation - one (1) space per five hundred twenty-five (525) gross square feet of floor space with a minimum of two and one-half (2.5) percent of the total *parking spaces* dedicated to school buses with a rider capacity of not less than forty-five (45) people.
- o. Nursing homes and convalescent homes - one (1) space for each three (3) beds, plus one (1) space for each employee on the largest shift.
- p. Offices - one (1) space for each two hundred and fifty (250) square feet of *gross floor area*, **except** in a Business 4 (B-4) zone in which the following office parking formula shall be conformed with:
 - (i) 0 to 90,000 square feet on-site cumulative gross building floor area - one (1) space for each of two hundred and fifty (250) square feet.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

209.3 Continued

- (ii) 90,001 to 280,000 square feet on-site cumulative gross building floor area - one space (1) for each two hundred and seventy-five (275) square feet.
- (iii) Over 280,001 square feet on-site cumulative gross building floor area - one (1) space for each three hundred (300) square feet.
- q. Office in residence - six (6) spaces total including the residence, or an area equal to twice the floor area used for such purposes, whichever number of spaces is the greater¹.
- r. *Restaurant/automobile oriented use* as a free standing *building* - one (1) space for each one hundred (100) square feet of *gross floor area* or minimum of twenty (20) spaces whichever is greater.
- s. *Restaurant/automobile oriented use* as integrated part of a *shopping center/mall* - one (1) space for every three (3) legal occupants.
- t. *Restaurant/eating establishments* - one (1) space for every three (3) legal occupants.
- u. Retail stores, personal-service shops or similar business *buildings* - one (1) space for each two hundred and fifty (250) square feet of *gross floor area*.
- v. Schools with grades K through 8 - two (2) spaces for each teaching station.
- w. Schools with grades 9 through 12 and institutions of higher learning - five (5) spaces for each teaching station.
- x. Public schools with grades 9 through 12 - three and three-quarters (3.75) spaces for each classroom.²
- y. *Single-family* dwellings - two (2) spaces.
- z. *Three-family* dwelling - six (6) spaces.
- aa. *Truck terminals*, wholesale storage and *warehouses* - one (1) space for each two hundred fifty (250) square feet of office area and one (1) space for each two (2) employees in the largest shift, or one (1) space per one thousand (1,000) square feet of *gross floor area*, whichever is greater.
- bb. *Two-family* dwellings - four (4) spaces.
- cc. Public Storage³ – one (1) per one hundred twenty five (125) stage units but not few than ten (10) parking spaces.

209.4 Truck loading space requirements

In the case of hospitals, institutions, *hotels*, retail, wholesale and industrial *buildings*, the number of off-street loading berths required by this section shall be considered the absolute minimum. For purposes of this section, an off-street loading berth shall have minimum plan dimensions of twelve (12) feet by twenty five (25) feet and fourteen (14) feet overhead clearance. Each loading space shall have adequate means for ingress and egress.

Number of required off-street loading berths:

For *structures* containing more than twenty thousand (20,000) square feet and less than forty thousand (40,000) square feet of *gross floor area*, one (1) berth shall be required. For *structures* containing forty

¹ Amendment to Article II, General Provision, Section 209.3r. Effective Date: March 1, 2006

² Amendment to Article II, General Provision, Section 209.3. Effective Date: January 4, 2001

³ Amendment to Article II, Section 209.3, Areas of Required Parking Facilities. Effective January 12, 2005

209.4 Continued

thousand (40,000) square feet of *gross floor area* or more, the number of berths specified in the following table shall be provided:

<u>Gross Floor Area (Square Feet)</u>	<u>Required Number of Berths</u>
40,000 - 99,999	2
100,000 - 159,999	3
160,000 - 239,999	4
240,000 - 319,999	5
320,000 - over	6

209.5 Off-street loading requirements:

On the same *premises* with every *building, structure* or part thereof erected or occupied for a use or uses involving the receipt or distribution of vehicles, materials or merchandise, there shall be provided and maintained adequate space for off-street standing, turning, loading and unloading services to avoid interference with the use of *streets* or alleys and without encroachment on any off-street parking area. Off-street loading and unloading spaces together with appropriate access drives shall be developed and maintained in accordance with the provisions of Section 209 of these regulations.

209.6 Illumination

Lighting levels for any exterior illumination, whether required or not required but provided, shall provide not less than one-half (.5) foot-candle of illumination for any access drive or walk so lit but shall not show any direct light source beyond any *lot line* nor more than one-half (.5) foot-candle beyond any *lot line*.

209.7 Parking layout and dimensions (refer to East Hartford Design Manual)

For a *parking space* to be credited as a required space, for ninety (90) degree parking, each space shall have minimum dimensions of nine (9) feet in width by eighteen (18) feet in length. If a *parking space* fronts on another *parking space* from which it has no curbed wheel-stop separation or it fronts on a bumper guard-type car stop or wall, the length of the space shall be twenty (20) feet. For ninety (90) degree parking only, if necessitated by the geometry of the *lot*, the width of the access aisle may be reduced by no more than two (2) feet, provided the width of each adjoining *parking space* is increased by one (1) foot. Cars utilizing spaces adjacent to walls and fences shall be prevented from striking same by an appropriate car stop. In those instances where the *parking space* abuts a landscaped area or a pedestrian sidewalk of not less than six (6) feet in width, the *parking space* can be reduced to sixteen (16) feet in length. Each required parking area is to be exclusive of driveways and shall be permanently reserved for the temporary parking of one (1) automobile and shall be connected with a *street* or public right-of-way by an all-weather surfaced driveway.¹ The standards for oblique, perpendicular and parallel parking shall be as described in the East Hartford Design Manual.

The width of the feeder drive indicated for ninety (90) degree parking is for two-way circulation; the widths for zero (0) degree, forty-five (45) degree, and sixty (60) degree parking are for one-way circulation. Parking lot aisles at other than ninety (90) degrees must be open at both ends.

Interior aisles shall be of adequate width to serve a particular design arrangement of *parking spaces*, the following being the minimum width permitted. Ninety (90) degree parking shall be used unless there is positive control of traffic directions.

<u>Parking Stall Alignment</u>	<u>Interior Aisle Width</u>
90 degree parking	24 feet
60 degree parking	18 feet
45 degree parking	13 feet

¹Parallel parking and oblique parking should be avoided; perpendicular parking is encouraged. Oblique parking is parking at an angle other than zero (0) degrees (parallel) or ninety (90) degrees (perpendicular).

209.7 Continued

All required *parking spaces*, except for single-family or two-family residences, shall be marked by painted lines, curbs, or other means to indicate individual spaces.

209.8 Parking for persons with disabilities

Parking spaces shall be provided for the *persons* with disabilities in accordance with of the State of Connecticut building code 29-252-1b, as amended (see East Hartford Design Manual).

Section 210 Signs

210.1 Sign review and approval

Before a *sign* permit can be issued for any *sign* allowed in Section 210.5c of these regulations, height, size, location must be approved by the Site Plan Review Committee. If dissatisfied with the final determination of the Site Plan Review Committee, the applicant may appeal the decision to the Town Planning and Zoning Commission for a re-determination.

¹Signs shall be subject to the following limitations of size, location and height, except that the Town Planning and Zoning Commission in approving a site plan application, may, in harmony with the provisions of Section 704 of these Regulations, permit appropriate modifications in the permitted number of signs, size and location provisions for a particular sign or group of signs. Planning and Zoning Commission shall not approve any sign modifications regarding size or location of signs in excess of fifty percent (50%) of the original requirements of Section 210.

210.2 Intent

The intent of these regulations is to enhance the health, safety, and welfare of the community and also insure that *signs* do not impair the safe flow of traffic and are in harmony with the *structure* to which they relate and adjacent area. *Signs* should facilitate efficient communication between businesses and the patrons they wish to attract. *Signs* should blend with the architectural style of the *building* to which they relate and should be visually pleasing and attractive.²

210.3 Application requirements

- a. Form SPR-2 must be completed and submitted to the Department of Development at least two (2) working days prior to the regularly scheduled meeting of the Site Plan Review Committee
- b. A check must be made payable to the Treasurer, Town of East Hartford, in an amount determined by the Town of East Hartford. The prescribed fee will be waived if a *sign* permit application is made in conjunction with a special permit or site plan review application.

¹ Amendment to Article II: General Provisions, Section 210. Effective Date: December 8, 2004

²To create architecturally harmonious and visually attractive signs, the Site Plan Review Committee shall use the following standards as criteria when making decisions concerning the design and placement of signs:

- a. Signs should be designed as an architectural element of the building and should complement the architectural style of a building.
- b. Signs should be in good proportional scale to the building and site to which they relate.
- c. Whenever possible, individual sign letters should be attached directly to the building, and signs should be located on the building's sign frieze.
- d. Sign materials, lettering style, and form should be compatible with the building's design and use.
- e. Sign colors should be limited in number and be compatible with the building's facade.
- f. Signs should relate to the business at hand and not advertise brand names or symbols of products unless fifty (50) percent or more of the floor space of the premises is directed to the sale or manufacture of the product.
- g. The number of graphic elements on a sign should be held to a minimum and should not contain selling slogans or product descriptions.

210.3 Continued

- c. A detailed rendering of the *sign* in true and actual color shall be submitted, showing its design and graphic details clearly. The drawing should also show where the *sign* will be located in relation to the *building* and site. These drawings should be in a scale suitable to show architectural style in sufficient detail.
- d. Failure to fulfill the application requirements or submission of inaccurate information is grounds for denial of the application.

210.4 Sign modification

The Site Plan Review Committee may require *modifications* of a proposed *sign* if deemed necessary to conform to the requirements of these regulations. Compliance with the Site Plan Review Committee's *modification* shall be a condition of approval.

210.5 Sign regulations

- a. Residence districts

The following *signs* may be permitted as follows without approval of the Site Plan Review Committee except as noted.

1. A nameplate or *sign* for permitted use that gives only the name of the occupant or use of the *premises* not to exceed one and one-half (1.5) square feet in area. The length of such *signs* shall not be more than two (2) times the width.
2. A *sign* that advertises the sale or lease of the *premises* on which such *sign* is displayed, except that a *sign(s)* not more than thirty (30) square feet in aggregate area may be allowed for a period of not more than one (1) year for an approved subdivision which permit may be renewed annually.
3. Contractor's *signs* not more than twenty-four (24) square feet in aggregate area when displayed on a *building* under construction.
4. Two (2) *signs* identifying houses of worship, synagogues, and other similar religious uses are permitted on each *street* frontage, one (1) of which may not exceed twenty (20) square feet in area and the other of which may not exceed ten (10) square feet in area. One (1) *sign* may be a free standing *sign* used for notices and announcements or events at the religious institution.
5. *Signs* advertising the use of the *premises* for special permit uses, the total area of such *signs* not to exceed twenty four (24) square feet.
6. Directional *signs* each not more than one and one-half (1.5) square feet in area indicating the location of *houses of worship*¹, schools, hospitals, parks, scenic or historic places of general interest. Any such *sign* and mounting shall not exceed eight (8) feet in height.
7. *Signs* advertising the name of a subdivision or group housing project located on the *premises* of the *street* entrance, limited to announcing the name of the subdivision or group housing project. Each such *sign* shall not exceed twenty-four (24) square feet in area.
8. No free standing *sign*, except directional *signs*, shall be more than six (6) feet in height.
9. Directional *signs* for nonresidential *structures* that guide vehicular and pedestrian traffic through the site; limited to two (2) *signs* and three (3) square feet maximum per *sign*.

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

210.5 Continued

Applications for more than two (2) *signs* or the maximum size must relate to *building* and site size and complexity and shall obtain *sign* review approval from the Site plan Review Committee as described in Section 210.1. In addition to the above *signs*, each *building* may have one (1) directory *sign* affixed to the exterior wall, window, or door of the *building*. Such directory *sign* shall not provide more than one (1) square foot for each occupant of the *building*.

- b. In Business and Industrial districts *Signs* Permitted without approval of the Site plan Review Committee:

In Business and Industrial districts, the following *signs* may be permitted without Site plan Review Committee's approval except as noted.

- 1. Those permitted in Section 210.5a for the uses specified and subject to the limitations specified.
 - 2. *Signs* displayed from the interior of *building* windows provided that no more than twenty-five (25) percent of the interior window space is covered by temporary or permanent signage. Interior *signs* per this section will not be calculated in the allotment for exterior advertising signage.
- c. In Business and Industrial districts, *signs* may be permitted as follows, but only with the approval of the Site plan Review Committee.

- 1. Exterior *advertising signs*—size calculation

Signs advertising the use of a business establishment are not to exceed one (1) square foot of *sign* area for each lineal foot of the facade of the principal *building*, or portion thereof, on which the business fronts. If the use of the *premises* does not include a main *building*, the total area of *signs* may not exceed thirty-two (32) square feet. In no event shall the aggregate of any businesses *signs* exceed two hundred (200) square feet.

- 2. Ground *signs*

Signs are not to exceed fifteen (15) feet in height and shall be set back a minimum of ten (10) feet from the property line. *Signs* are not to exceed thirty-two (32) square feet in area, with the exception of said *signs* relating to a unified shopping center of three (3) or more stores, in which case the aggregate square footage shall not exceed four hundred (400) square feet.

- 3. Projecting *signs*

Signs are not to exceed twenty four (24) square feet in area and with a minimum height of ten (10) feet and said *sign* cannot project beyond the property line.

- 4. Replacement of *sign* panels

Panel replacements will be allowed upon the approval of the Site Plan Review Committee, subject to the criteria set forth in Section 210.1.

- 5. Overhanging or Ground *signs*

No overhanging or ground *sign* shall project over a public right-of-way, and no overhanging *sign* shall exceed twenty four (24) square feet in area and must stand a minimum of ten (10) feet.

- d. Temporary *signs*

- 1. Civic and nonprofit organizations

210.5 Continued

Signs announcing special events, and/or political *signs* shall be permitted only for a period of sixty (60) days prior to and including the duration of the activity which such *sign* describes, and such *sign* shall be removed within one (1) week after completion of such activity that said *sign* describes. All temporary *signs* in a Business or Industrial Zone shall not exceed a maximum of thirty-two (32) square feet.

In a Residence Zone, *signs* shall not exceed twelve (12) square feet per *sign*. In addition, all *signs* shall be set back in such a manner as not to create a public hazard or impede traffic sight lines.

2. Removal of Public Hearing *signs*

Any *sign* issued by the Town for the purpose of announcing a public hearing shall be displayed for a period not to exceed seven (7) days after said public hearing.

e. Portable *signs*

Portable *signs* shall include any mobile *sign* or wind *sign* or *sign structure* not securely attached to the ground or to any other *structure* and shall be subject to the following requirements (this section shall not apply to temporary *signs* as defined in Section 210.5d1):

1. Portable *signs* and wind *signs* as defined herein may be erected on the *premises* of an establishment having a grand opening, special event, special promotion or sale, provided that such *signs* shall be displayed for a single period not to exceed thirty (30) days within any six month period. Said use of portable or wind *signs* shall be approved by the Director of Permits and Inspections before each use. Such display may be permitted for one (1) additional period up to thirty (30) days upon approval of the Site plan Review Committee.

210.6 General *sign* provisions to apply to all *signs*:

- a. Billboards are prohibited; any billboard in existence prior to the adoption of these regulations is nonconforming.
- b. Permanently strung and festoon lights are prohibited.
- c. All *signs* shall be nonanimated and nonflashing, excluding public service *signs* showing time and temperature or road safety information. No *sign* shall be illuminated between the hours of 12:00 midnight and 6:00 a.m., except *signs* on *premises* open for business during those hours.
- d. No business is to have a total of more than two (2) *signs*, with the exception of said directory *sign* and a *sign* stating the hours the store is open for business, not to exceed one (1) square foot.
- e. No *sign* shall be painted directly on the exterior surface of any wall. All exterior attached *signs*, except awning *signs*, shall be painted, posted or otherwise securely affixed to the wall of the *building*.
- f. The construction of the *sign* shall comply with the Connecticut State Building Code.
- g. All *advertising signs* shall be located on the parcel of land on which the business is located.
- h. No *sign* shall project above the highest point of the roof.
- i. No *sign* shall project over the property line.
- j. Refer to East Hartford Design Manual for graphic *sign* examples.

210.6 Continued

- k. Any sign required by any Town, State or federal laws, governmental order or regulation is not subject to these regulations.
- l. In accordance with Sec. 3-30(C) (Billboard Sign/Sign Ordinance), as amended 02/06/06, of the Town of East Hartford Ordinances, a billboard sign, approved by the Town Council under Section 3-30(C), is not subject to Section 210.6 subsection (a), (c), (d), (e), (g), (h), (i), & (j) of these regulations. Any new billboard to be constructed under this exception is subject to Section 702 "Design Review and Approval" and the following supplementary regulations:¹
 1. Each billboard sign structure shall only be located on a parcel that has frontage on Interstate 84 (I-84) and within the Industrial Two (I-2) Zoning District;
 2. Each billboard sign structure shall be separated from adjacent billboard sign structures by a distance of not less than five hundred (500) feet. For purposes of this provision, the distance between billboard sign structures shall be measured from the closest point of one billboard structure to the closest point of another and shall apply to both sides of a street or highway;
 3. Each billboard sign structure shall be built with a monopole construction and is limited to a maximum of six-hundred and seventy two (672) square feet in total sign area with a minimum width of fourteen (14) feet and a maximum length of forty eight (48) feet, the area shall be measured by the outer limits of the advertising space;
 4. Any extension of the billboard sign face above, below or to the side of the sign face shall be counted in the area of the sign face and height of the billboard sign structure.
 5. Each billboard sign structure shall be located at a minimum of one hundred (100) feet from any building or two hundred and fifty (250) feet from any residential or residential use;
 6. Each billboard sign structure shall be setback a minimum of fifty (50) feet from all property lines. For purposes of measuring the setback, the distance shall be measured from the nearest point of the billboard sign structure to the closest point of the property line;
 7. Maximum height of a billboard sign structure shall be no more than fifty (50) feet measured from the natural grade of the area under the sign to the highest point of the sign;
 8. Each billboard sign structure shall not be located within five hundred (500) feet of an interchange, measured along Interstate 84 (I-84) from the billboard sign structure to the nearest point of the beginning or ending of pavement widening at the exit from or entrance to Interstate 84 (I-84).
 9. Electronically changed digital billboard(s) shall not
 - contain flashing, intermittent or moving lights or any illumination that moves, appears to move or changes in intensity during the static display period;
 - have a duration of the static message time of less than six (6) seconds;
 - have a transition time of no more than two (2) seconds;
 - show any direct light source beyond any lot line nor more than one-half (.5) foot-candle beyond any lot line.

210.7 Abandoned signs

The Zoning Enforcement Officer has the power to remove any *sign* that is discontinued for a period of at least sixty (60) consecutive days.

¹ *Amendment to Article II: General Provisions, Section 210, Billboard Sign Zoning Regulations. Effective Date: August 30, 2006*

Section 211

Dimensional Requirements of Corner and Through Lots

211.1 Corner lots

- a. The *side yard* on the *street* side of a *corner lot* shall be a minimum of twenty (20) feet and shall run for the full length of the *street* which it abuts. An interior *side yard* of ten (10) feet shall be required. This shall not include existing *nonconforming lots*, but in no case shall the *building* be less than ten (10) feet from any *street line*.
- b. No *building* shall be located in the *rear yard* within the required *side yard* distance for the zone in which it is located when the *rear yard* is adjacent to the *side yard* of an adjoining *lot*.
- c. *Corner lots* shall be increased in size so that the buildable areas will be equal to the buildable areas of a *lot* other than a *corner lot*. This shall not include existing *nonconforming lots*.
- d. *Corner lots* formed by the intersection of two (2) *streets* shall maintain a clear space from all *structures* and vegetation except necessary retaining walls and tree trunks, poles and fences that do not obstruct visibility. The clear space is to be a triangular area bounded by the property twenty-four (24) feet between two (2) planes that are parallel to the plane passing through the *street* center line grades of the two (2) intersecting *streets* at elevations of two and one-half (2.5) feet and seven (7) feet above same.

211.2 Through lots

- a. No *building* shall be located in the *rear yard* or within the required *front yard setback* in the zone within which it is located.
- b. A *through lot* shall provide a *rear yard* that of at least the same depth as the *front yards* on the same side of the *street* within the same block in accordance with the provisions of this section.

Section 212

Front-Yard Dimensional Requirements

- 212.1 No *building* shall be erected and no *building* shall be reconstructed or altered so as to project in any way beyond the average *setback* line observed by the *buildings* on the same side of the *street* within the block at the time of the passage of these regulations. If at the time of these regulations, *buildings* exist on only one (1) side of the *street* within the block, the *setback* on the vacant side shall comply with the *front yard* requirements of the zone in which it is located. When no *building* exists on either side of the *street* within the block, no new *building* shall be erected with its *street* wall, walls, or covered porches nearer the *street line* than the minimum depth of *front yards* shown for each respective zone. Except as provided in Section 212.4, in no event shall a *front yard setback* of less than fifteen (15) feet be permitted, nor shall a *front yard setback* of more than fifty (50) feet be required.
- 212.2 The average *setback* line observed by *buildings* on the same side of the *street* within five hundred (500) feet on each side of the *lot* in question shall control in lieu of the average *setback* line within the block when the block affected has a length of more than one thousand two hundred (1,200) feet between its intercepting *streets*.
- 212.3 The provisions of this section shall, however, in no case be applied so as to keep the *street* wall, walls or enclosed porches of the *building* further back from the *street line* than the maximum depth *front yard* indicated for the zone in which such *building* is located.
- 212.4 *Buildings* which existed prior to March 15, 1997 shall be exempt from the minimum *front yard* set back of fifteen (15) feet as set forth in Section 212.1, provided that in no case shall the *front yard* set back be less than ten (10) feet. Additions constructed to such existing *buildings* shall also be exempt from the minimum *front yard* set back of fifteen (15) feet, provided that:

212.4 Continued

- a. In no case shall the *front yard* be less than ten (10) feet; and
- b. That portion of any such *building* addition utilizing this exemption provision shall not be more than one hundred (100) percent larger than the existing *building* or occupy more than seventy (70) percent of the *premises* frontage, whichever is more restrictive. Frontage measurement for the purposes of this exemption shall include the length of the existing *building front yard* facade.

Section 213 Courtyard Requirements

- 213.1** The area required in a court at any given level shall be open from such level to the sky, unobstructed except for the ordinary projections of skylights and parapets above the bottom of such courts or *yards* and except for the ordinary projections of window sills, belt courses, cornices and other ornamental features to the extent of not more than four (4) inches. Courts in business or industrial *buildings*, whether partly or entirely enclosed by walls, shall have a minimum dimension of at least fifteen (15) feet or one-quarter (.25) of the average height of the surrounding walls, whichever is greater. Courts in *buildings* used for residential purposes shall have a width of at least fifteen (15) feet or one-half (.5) of the average height of the surrounding walls, whichever is greater. In residential *buildings*, courts enclosed on all sides shall not be permitted except for single-family dwellings, and no court in business or residential *buildings* shall have a depth greater than twice the width.
- 213.2** A corner of a court or *yard* may be cut off between walls of the same *building*, provided that the length of the walls of such cut-off does not exceed seven (7) feet, and further provided that the required area of the court or *yard* is not diminished.
- 213.3** Windows opening on an offset to a court or *yard* shall be deemed to comply with the provisions of these regulations, provided that such offset is not deeper in any part than it is wide on the open side. The open side of such offset shall in no case be less than six (6) feet. The area contained in an offset shall in no case be included in computing the required area of a court or *yard*.

Section 214 Accessory Structures and Uses in Residence Zone

214.1 Permitted Accessory Uses and Structures

The following residential *accessory uses* and *structures* are permitted and shall be subject to general conditions enumerated in Section 214.2. The uses and *structures* may include but are not limited to:

- a. Children's playhouse
- b. Garage or carport, provided that:
 1. A combined total maximum of three (3) motor vehicles may be parked in a private garage and/or carport, attached or detached, except that the Planning and Zoning Commission may by special permit grant one (1) additional garage and/or carport; and
 2. One (1) commercial vehicle may be stored on a residential *lot*, provided that such commercial vehicle shall have a maximum capacity of three-quarter (.75) tons, and such vehicle shall be stored on the paved driveway of the occupied residential *lot* or the paved parking area leased to the residential occupant.
- c. Garden
- d. Greenhouse
- e. Hobby room or mechanical room

214.1 Continued

- f. *Home occupation*, provided that:
 - 1. A *home occupation* shall be carried on entirely within the *dwelling unit* on the same *lot* as the *dwelling unit*; and
 - 2. No employees are allowed, and such use must occupy a floor area not more than twenty-five (25) percent of the *gross floor area* of the *dwelling unit* and not more than five hundred (500) square feet and must not create a nuisance, odor, noise, glare or vibration noticeable off the *premises*.
- g. *Major recreational equipment* storage, provided that:
 - 1. *Major recreational equipment*, for purposes of this section, shall include those units described in Section 200;
 - 2. *Major recreational equipment* that has a total length of thirty (30) feet or less may be stored or parked on a *lot* in any residential zone subject to the following conditions:
 - (a) Such equipment, if not parked or stored in a garage or other completely enclosed *structure*, shall be parked or stored in the *rear yard* area but not closer than five (5) feet to any *lot line* nor closer than twenty-five (25) feet to any adjoining residence; and
 - (b) Such equipment may be parked anywhere on the residential *premises* for a period not exceeding twenty-four (24) hours during loading and unloading.
 - 3. *Major recreational equipment* parked or stored in any zoning district, whether it be residential or nonresidential, shall not be used for living, sleeping or housekeeping purposes.
- h. Noncommercial stabling of horses, provided that:
 - 1. The portion of the *lot* or parcel upon which any horse or horses are stabled, pastured or exercised shall have a minimum area of four (4) acres in addition to the minimum *lot area* required for the dwelling on the *lot* or parcel;
 - 2. Such portion of the *lot* or parcel shall contain one (1) additional acre for each horse being stabled, pastured or exercised after the first two (2) horses; and
 - 3. All *buildings* and *structures* for the stabling and exercising of horses shall be located at a minimum of two hundred seventy (270) feet from a *street line* or of any dwelling or public *building*.
- i. Outdoor shelters for household pets and indigenous birds
- j. Playground or recreation area
- k. Roadside stand, provided that:
 - 1. A temporary seasonal roadside stand shall be for the sale of produce or products fresh fruit, vegetables and flowers that have been grown on site. Such stand shall have a maximum area of one hundred (100) square feet. It shall be located a minimum distance of twenty (20) feet from any *street/alley* and one hundred (100) feet from any *street* or road intersection. Such roadside stand shall also abide by the *side yard* requirements for a principal *building* for the zone in which it is located. It shall be removed within ten (10) days after its use is discontinued for that particular growing season.
- l. *Swimming pool* and bath house, provided that:

214.1 Continued

1. No *swimming pool* or accessory facilities for use of the pool shall be permitted in any required side or *front yard*.
- m. ¹Temporary Classroom *buildings* for a period of one year from the date of Certificate of Occupancy issuance, renewable for not more than two additional one-year periods, and only when located on the *premises* of an existing or proposed school or college. Temporary classroom *structures* shall be exempt from Section 214.2 General Conditions, provided they meet the *yard* requirements for permitted uses within that residential zone.
- n. Tennis court
- o. Tool shed or storage *building*

214.2 General conditions

All permitted residential *accessory uses* and *structures* shall be subject to the following general conditions:

- a. Any permitted *accessory structure* shall be less than fifteen (15) feet in height and shall be located only in the area behind the rear wall of the principal *building* and at least thirty (30) feet from any *street*;
- b. On *corner lots* and *through lots*, permitted *accessory structures* shall be located only in that fourth of the *lot* farthest removed from any *street line*, but these requirements shall not prohibit any *accessory building* located fifty (50) feet or more from any *street line*;
- c. No *accessory building* shall be located within six (6) feet of the rear or side line of the *lot* on which it is built or within ten (10) feet of the principal *building*;
- d. The limitations imposed by this section upon the location of an *accessory building* shall be waived when such *building* is attached to its principal *building* in any way, or when it is incorporated as an integral part of its principal *building* by having one (1) wall or part of one (1) wall in common with it. Such attached *building* shall be considered part of the principal *building* and shall be subject to side and *rear yard* requirements applicable to the principal *building*;
- e. Maximum floor area for *accessory structures* associated with residential uses shall have a combined maximum floor area not greater than one third (1/3) of the principal *building* gross livable floor area on the same *lot* as such *accessory structures*, or not greater than one thousand (1,000) square feet, whichever is less;
- f. The following shall be exempt from the limitations of maximum floor area:
 1. Above-ground and in-ground pools;
 2. Accessory agricultural buildings and structures where such uses presently exist or are allowed under Special Permit.
- g. No *swimming pool* or accessory facilities for use of the pool shall be permitted in any required side or *front yard* or within six (6) feet of a *rear lot line*.
- h. The provisions of these regulations do not allow a *freestanding canopy* or *canopies* to be attached to *principal buildings* or *accessory buildings* as defined herein².

¹ Amendment to Article I: Section 214.1(m); Effective Date: August 25, 2004.

² Amendment to Article II: General Provisions, Section 214.2. Effective Date: January 4, 2001

Section 215 Tractor Trailers and Trucks - General Requirements

- 215.1** The sale of merchandise from a tractor trailer or truck is a prohibited use and a prohibited *accessory use*.
- 215.2** In any zone except an I-2 or I-3 Zone, no tractor trailer with or without tractor attached or truck loaded with merchandise except goods in transit or for a construction project shall be parked in a *lot* for a period exceeding seven (7) consecutive days.
- 215.3** Trailers or other portable facilities shall not be used for office space except in conjunction with a legally permitted construction project and shall be removed within ten (10) days from issuance of a certificate of occupancy for the permanent *structure*.

Section 216 Mobile Home - General Requirements

No individual *mobile home* shall be occupied as a residence on any individual *lot* outside of a *mobile home park* whether conforming or nonconforming. Moreover the display, storage or commercial sale of *mobile homes* is expressly prohibited on the *premises* of any conforming or nonconforming *mobile home park*. This shall not be construed to prohibit individual *mobile home* sales – by *owners*.

Section 217 Soil-Erosion and Sedimentation-Control Regulations

These regulations shall apply to all developments including, but not limited to, any construction on improved or unimproved real property located in the Town of East Hartford with a cumulatively disturbed area of more than one-half (.5) acre. For the purpose of this regulation, disturbed area shall mean an area where the ground cover is destroyed or removed, leaving the land subject to accelerated *erosion*.

217.1 Intent

The purpose of this section is to improve and broaden *soil-erosion* and *sediment-control* activities that will reduce the dangers from storm water runoff, minimized nonpoint *sediment* pollution, and conserve and protect land, water, air and other environmental resources.

217.2 Application procedure and information required for certification

Application for *soil-erosion/sediment-control* certification shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least fifteen (15) days prior to the regularly scheduled or special meeting of the Planning and Zoning Commission during which the application is to be heard. To be eligible for certification, a *Soil-Erosion and Sediment-Control Plan* shall contain proper provisions to adequately control accelerated *erosion* and sedimentation and to reduce the danger from storm water runoff on the proposed site based on the best available technology. Such principles, methods and practices necessary for certification are found in the Connecticut Guidelines for Soil Erosion and Sediment Control (1985), as amended. Copies of the guidelines are available from the office of the Hartford County Soil and Water Conservation District. Alternate principles, methods and practices may be used with the prior approval of the Commission. The Commission shall make adequate findings and conclusions based upon the evidence submitted to it whether the *soil-erosion and sediment-control plan* is necessary and essential to the development of the *premises* for a permitted use by the zoning regulations. Furthermore, twelve (12) copies of the application shall be filed and shall contain, but not be limited to, the following information:

- a. Address or location of subject parcel;
- b. Size of subject parcel;
- c. Zone of subject parcel;
- d. Name, address, telephone number of petitioner(s);
- e. Name, address, telephone number of *owner(s)*;

217.2 Continued

- f. Signature of *owner(s)*; and
- g. Signature of petitioner(s).

217.3 Accompanying the application form shall be:

- a. A check made payable to the Treasurer, Town of East Hartford, in an amount determined by the Town of East Hartford;
- b. Twelve (12) copies of a vicinity map which shows the affected property boundaries and the surrounding area at least one-half (.5) mile in all directions of said property;
- c. Twelve (12) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by The Connecticut Association of Land Surveyors, Inc. (1975), as subject to amendment) site plan clearly drawn by a licensed land surveyor, to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes. The following information shall be shown as a minimum:
 - 1. The location of the proposed development and adjacent properties;
 - 2. The existing and proposed topography including *soil* types, wetlands, watercourses, and water bodies;
 - 3. Location of any existing *structures* on the project site;
 - 4. Proposed area alterations including cleared, *excavated*, filled or graded areas and proposed *structures*, utilities, roads and, if applicable, new property lines;
 - 5. Location of and design details for all proposed *soil-erosion* and *sediment*-control measures and storm water management facilities;
 - 6. Sequence of *grading* and construction activities;
 - 7. Sequence for installation and/or application of *soil-erosion* and *sediment*-control measures;
 - 8. Sequence for final stabilization of the development site;
 - 9. Any other information deemed necessary and appropriate by the applicant or requested by the Commission, including but not limited to watershed map(s) and a statement of the project's impact on the watershed(s); and
 - 10. Submission of inaccurate or incomplete material shall be grounds for denial.
- d. A typed narrative describing the following:
 - 1. Proposed development;
 - 2. Schedule for *grading* and construction activities including:
 - (a) Start and completion dates;
 - (b) Sequence for installation and or application of *soil-erosion* and *sediment*-control measures;
 - (c) Sequence for *grading* and construction activities; and
 - (d) Sequence for final stabilization of the project site.

217.3 Continued

3. Design criteria and construction details for proposed *soil-erosion* and *sediment-control* measures and storm water management facilities;
4. Installation and/or application procedures for proposed *soil-erosion* and *sediment-control* measures and storm water management facilities;
5. Operations and maintenance program for proposed *soil-erosion* and *sediment-control* measures and storm water management facilities;
6. *Person* responsible for maintenance during construction of project; and
7. Organization or *person* responsible for maintenance or permanent measures when project is complete.

217.4 General conditions:

- a. No *grading* activities or vegetation removal associated with site development shall begin unless the project's *soil-erosion and sediment-control plan* is certified by the Town Planning and Zoning Commission and those control measures and facilities in the certified plan are installed and functional.
- b. Planned *soil-erosion* and *sediment-control* measures and facilities shall be installed as scheduled according to the certified *soil-erosion and sediment-control plan*.
- c. All control measures and facilities shall be maintained in effective condition to ensure the compliance of the certified *soil-erosion and sediment-control plan*.

217.5 Administration and inspection

Inspection may be made by the Engineering Division during development to ensure compliance with the certified *soil-erosion and sediment-control plan* and that control measures are properly performed and facilities installed and maintained. The Engineering Division shall be allowed to access the project site at any time. Prior to initiation of development activity, the permittee shall place on file with the Engineering Division a letter identifying designated *person(s)* responsible for implementation of the certified *soil-erosion and sediment-control plan* and with whom inspectors representing the Town may communicate routinely. The Town Engineer in his sole discretion is authorized to make minor field adjustments to the approved *soil-erosion and sediment-control plan*, provided that such adjustments are not in conflict with the approved *soil-erosion and sediment-control plan* and that those adjustments are in conformance with these zoning regulations.

Applications for major amendments or *modifications* to the *soil-erosion and sediment-control plan* shall be made in the same manner as the original application. It is the applicant's responsibility to anticipate unforeseen *erosion* or sedimentation problems and emergencies and to have the capability to deal effectively with such problems. In the event of an unforeseen emergency in which adjacent properties, roadways, wetlands or watercourses in the Town of East Hartford face imminent danger of pollution or obstruction from *erosion* and sedimentation and the applicant's or his designated agent cannot be contacted through reasonable effort, the Commission shall empower its agent to act to stem the threat of *erosion* and sedimentation. Except to the extent prohibited by applicable law, the expense for remedial action shall be recoverable from the permittee under the certified *soil-erosion and sediment-control plan*.

- 217.6** Required approved plans to be filed prior to the start of any work. The applicant shall file one (1) mylar print and three (3) paper prints of the approved certified *soil-erosion and sediment-control plan* with the Town Engineer. The following statement shall be placed on the filed mylar and paper prints:

217.6 Continued

“The East Hartford Planning and Zoning Commission certifies that the *soil-erosion and sediment-control plan* complies with the requirements the Town of East Hartford regulations and the Connecticut Guidelines for Soil Erosion and Sedimentation Control dated 1985, as amended. The applicant under this plan is responsible for ensuring compliance with the plan. The Town of East Hartford shall not be held liable for improper installation, lack of maintenance, or other neglect on behalf of the applicant.”

Approval Date _____

Chairman _____

Section 218 *Natural Resources Removal and Filling*

The excavation or removal of earthen materials is an activity requiring a Special Permit under Section 207 for natural resources removal and filling and is additionally subject to the following requirements:

218.1 Intent

The purpose of these regulations is to control the conditions and operations of excavating, *grading*, filling and removal of earth, sand, stone, gravel, *soil*, minerals, loam, fill, clay, peat moss, and but not limited to, any other earth products. This section further is intended to conserve and reserve water storage areas, and to assure that *erosion* and sedimentation are minimized; water pollution is prevented; hazards inherent to open pits and steep slopes of loose earth are prevented; nuisances such as excess or uncommon traffic, noise, odor, dust are minimized; visual blight is controlled, and the productive usage of land is maintained. Furthermore, nothing in these regulations shall be construed as eliminating the need for any other regulatory permit.

218.2 Exemptions

In any instance involving excavation operations, such operations may only begin after receiving a Special Permit for natural resource removal and filling in accordance with Section 218.3 and these regulations with the following separate categorical exceptions:

- a. Excavation operations within the legal highway rights-of-way held by either the State of Connecticut or the Town of East Hartford;
- b. Any excavation operations necessary for an approved subdivision/resubdivision, special permit use or site plan.
- c. Plowing, spading, cultivating, harrowing or dicing of *soil* or any operation usually and ordinarily associated with the tilling of the *soil* for agricultural or horticultural purposes.
- d. Any operation for the purpose of *soil* and water conservation as defined or prescribed by the Soil Conservation Service of the United States Department of Agriculture.
- e. Necessary excavation/filling in connection with resurfacing of existing privately owned sidewalk, parking lot or driveway, provided it does not adversely change the existing watershed characteristics.
- f. Any excavation/filling on any *lot* as defined in these regulations of no more than twenty-five (25) cubic yards of earthen material.
- g. Excavation/filling operations for the construction of one- and two- *family* permitted dwellings and permitted *accessory structures*.
- h. Excavation/filling operations within a *premise* as a result of a bonafide *landscaping* or construction operation for which operation no *building* permit is required from the Town of East Hartford. The activity shall not result in removal or filling of more than two hundred fifty (250) cubic yards of earth products for each individual *lot*.
- i. Any environmental remediation work involving excavation/filling required and monitored by the State of Connecticut Department of Environmental Protection.
- j. Exemptions under this section shall not relieve the *owner* or *excavator* of the responsibility to conduct the operations in the following manner:
 1. No interruption of natural drainage unless approved by the Town Engineer;

2. *Soil erosion* and sedimentation controls be implemented and maintained to minimize the environmental impacts; and

218.2 Continued

3. No creation of any condition hazardous to life or limb of any member of the public who may have access to the property or to the health, safety or welfare of the Town.

218.3 Application Procedure and Requirements

- a. Application for special permit as prescribed in Section 207 for natural resources removal and filling shall be made upon a form provided by the Planning and Zoning Commission and submitted to the Planning and Zoning Commission at least thirty-four (34) days prior to the regularly scheduled or special meeting of the Planning and zoning Commission during which the application is to be heard. The Commission shall thereupon and forthwith schedule and conduct a public hearing on such application in accordance with the applicable provisions of the General Statutes. Following such public hearing, it shall make adequate findings and conclusions based upon the evidence submitted to it.
- b. The applicant shall display a *sign* or *signs* that indicate that an application for a special permit has been filed for the area on which the *sign* or *signs* have been posted. Said *sign* or *signs* shall be erected and maintained by the applicant wherever the parcel abuts each public or private *street* from the day that the notice of public hearing has been posted until the first secular day following the public hearing. Furthermore, twenty (20) copies of the application shall be filed and shall contain the special permit requirements as set forth in Section 213 and the following information:
 1. Address or location of subject parcel;
 2. Size of subject parcel;
 3. An estimate of the quantity of *soil* in cubic yards to be moved or deposited, broken down into separate figures, *topsoil* and other *soil*;
 4. In the case of removal of *topsoil*, the amount to be removed from the Town shall be estimated and stated on the application;
 5. The proposed dates of commencement and completion of work;
 6. An estimate of the type and number of machines and other equipment to be used; the daily starting and finishing time during which such machines are to be operated;
 7. Name, address, telephone number of petitioner(s);
 8. Name, address, telephone number of *owner*(s);
 9. Signature of *owner*(s);
 10. Signature of petitioner(s); and
 11. Names and addresses of all property *owners* located within two hundred (200) feet of all the boundaries of the affected property according to the latest records of the East Hartford Assessor's Office. This information shall be keyed to a map delineating a two hundred (200) foot radius around the subject site.
- c. Accompanying the application form shall be:
 1. A check made payable to the Treasurer, Town of East Hartford, in the amount established by the Town of East Hartford;

218.3 Continued

2. Twenty (20) copies of a minimum A-2 survey quality (as noted in Recommended Standards for Surveys and Maps in the State of Connecticut prepared and adopted by the Connecticut Association of Land surveyors, Inc. (1975), as subject to amendment) site plan clearly drawn by a licensed land surveyor to a scale of not smaller than one (1) inch to forty (40) feet. All proposed physical improvements shall be designed by a Connecticut registered professional engineer as specified by Connecticut State Statutes;
3. The dimensions of the land and the *lot* and block number of the land of each *lot* surrounding the land and within two hundred (200) feet thereof as shown on the last tax assessment map of the Town of East Hartford;
4. The present grade on a fifty (50) foot grid layout with contour lines at two (2) foot levels up to and including five (5) acres, or for more than five (5) acres, one hundred (100) foot grids with contour lines at five (5) foot level. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from the available State of Connecticut or United States Coast and Geodetic Survey Map of the particular area;
5. The existing elevations of all *buildings, structures, streets*, streams, bodies of water and water courses, natural or a artificial;
6. The proposed grades at points in subsection 4., above, when the work has been completed with same requirements as contained therein;
7. The quantity, in cubic yards, of the *soil* involved in the work;
8. The average depth of *topsoil* as determined by taking borings in the approximate center of each one hundred (100) foot grid; and
9. Proposed slopes and lateral supports at the limits of the area upon completion of the proposed work.

218.4 General Plan Requirements

- a. The Planning and Zoning Commission may require a weekly inspection report on the operations and maintenance program for the proposed *soil-erosion* and *sediment*-control measures and storm water management facilities. Such report shall include as a minimum the following information:
 1. Phase of areas to be stripped of vegetation;
 2. A week's schedule of operations, including starting and completion dates for major improvement phases such as clearing, *grading*, paving, installation of drainage features;
 3. A week's schedule of the vegetative measures such as temporary vegetative cover, permanent vegetative cover, sodding, trees, shrubs, vines and ground cover; and
 4. A week's schedule of the dust-control measures and procedures.
- b. The applicant shall provide for proper drainage of the area during the operation to prevent the collection and stagnation of water and to prevent harmful effects upon surrounding properties. The final restoration plan shall provide for proper drainage upon completion of the operation.
- c. No bank shall exceed a slope of 2:1 (horizontal-vertical). No excavation shall occur within fifty (50) feet of any property line except by mutual agreement of adjoining property *owners*. Excavation below the established grade of a *street* will not be permitted within seventy-five (75) feet of any Town-accepted road or highway.

218.4 Continued

- d. The entire excavation or land filling and-*grading* project carried out and authorized under and pursuant to permit issue in accordance with the provisions of these regulations shall be conducted and completed in such a manner as to not create any hazardous condition.
- e. All tree stumps and other debris shall be removed from the property. In a landfilling operation, tree stumps and other debris shall not be permitted. Large stones/boulders and any other material acceptable to the State of Connecticut Department of Environmental Protection may be buried.
- f. No excavating operation shall be conducted except as follows:
 - 1. During the hours from 7:00 A.M. to 5:00 P.M. on weekdays only. Sunday operation is expressly excluded. These hours also include any subsidiary operation associated with the excavation operation such as but not limited to equipment warm-up, delivery of equipment, servicing of equipment.
 - 2. Truck access to the excavation area shall be arranged as to minimize danger to traffic and pedestrians and nuisance to surrounding properties. The access road entrance shall have a dustless surface.
 - 3. All trucks used in the operation shall be covered prior to driving on a Town *street* in such a manner that sand, dirt, or dust does not blow from said truck.
- g. Disturbance within the preservable section of the area shall be minimized to avoid *erosion* and loss of vegetation.
- h. Except as hereinafter provided, all *topsoil* so stored shall be uniformly replaced over the entire area or surface of the land on or before the completion date set forth in the *soil*-removal permit so that the final grades of said replaced *topsoil* shall conform to the proposed final grades shown on the topographical map. In the case of filling operation a layer of *topsoil* shall be uniformly placed over the area to conform to proposed final grades.
- i. No *owner*, developer or *excavator* shall remove to any point beyond the boundary lines of the land in question any *topsoil* whatsoever, unless and until *topsoil* not inferior in quality to that to be removed shall have first been replaced as originally found or in any case not less than five (5) inches of compacted *topsoil* uniformly place over the entire surface of the land except those portions thereof that shall be or shall have become permanently covered by *building* or *structure*, *street*, pavement, curb, sidewalk, driveway or other paved area or by any body of water or waterway since the date of the filling of said topographic map. In no event shall the *owner*, developer or *excavator* remove from the land more *topsoil* that comprising the surplus or excess remaining after the replacement of the *topsoil* as aforesaid.
- j. When transporting *soil* through any roadways in the Town, the permittee shall insure that such roads shall be cleaned of all dust, dirt and mud on a daily basis. Fugitive dust-control measures shall also be used as deemed necessary by the Director of Public Works.
- k. The dimensions of the land and the *lot* and block number of the land of each *lot* surrounding the land and within two hundred (200) feet thereof as shown on the last tax assessment map of the Town of East Hartford.
- l. The present grade on a fifty (50) foot grid layout with contour lines at two (2) foot intervals up to and including five (5) acres, or for more than five (5) acres, one hundred (100) foot grids with contour lines at five (5) foot intervals. Where access to adjoining lands is not permitted, the contour lines of the perimeter lands shall be taken from the available Metropolitan District Commission, State of Connecticut or United States Coast and Geodetic Survey Map of the particular area whichever map affords the greatest degree of accuracy.

218.4 Continued

- m. The existing elevations of all *buildings, structures, streets*, streams, bodies of water and water courses, natural or artificial.
- n. The proposed grades at points in subsection b., above, when the work has been completed with same requirements as contained therein.
- o. The quantities, in cubic yards, of both cut and fill for the *soil* involved in the work.
- p. The average depth of existing *topsoil* as determined by taking borings in approximate center of each one hundred (100) foot grid.
- q. Proposed slopes and lateral supports at the limits of the area upon completion of the proposed work.

218.5 Review Standards

The standards that the Planning and Zoning Commission shall follow in considering and reviewing the application and in arriving at its decision are as follows:

- a. All special permit standards as noted in Section 207.3;
- b. Potential *soil erosion* by water and wind;
- c. Proposed provisions for drainage;
- d. *Soil* fertility;
- e. Lateral support slopes and grades of abutting *streets* and land;
- f. Present land values and uses and those contained in the Town of East Hartford Plan of Development; and
- g. Such other factors as may bear upon or relate to the coordinated, adjusted and harmonious physical development of the Town.

218.6 Performance Bond Required

No *soil* removal or filling operation shall be conducted until the applicant has posted with the Finance Director a surety bond in favor of the Town executed by a surety company authorized to insure such bonds under the laws of the State of Connecticut. Such bond shall be in such amount and share and contain such conditions as the Commission may require.

The bond shall not be released until the Commission, upon certification by the Town Engineer, shall have determined that all work has been completed as per the Commission's approval. The applicant may, at its discretion, post a cash bond in lieu of a surety bond. Said cash bond shall be issued in the form of a certified check made out in the name of the Town of East Hartford. Interest on such cash bond shall accrue to the developer but shall not be payable until performance has been completed in accordance with the provisions of the regulations. No other forms of such bond will be accepted.

- a. Bond release procedure shall be as follows:

The applicant may request a reduction by letter to the Chairman of the Planning and Zoning Commission. The Chairman shall refer the matter to the Town Engineer who will, after an inspection, make a recommendation to the Commission. The Town Engineer has authority to make recommendations to the Commission on bond releases without request from the applicant, and the Commission may release said bond.

218.6 Continued

b. Bond renewal

Any renewal of the special permit for natural resources and fill permit under Section 207.7 of these regulations is contingent upon renewal of the performance bond as required in this Section.

218.7 Administration and Enforcement

The Town Engineer is hereby designated as the officer whose duty it shall be to enforce the provisions of Section 218 of these regulations. He shall upon his initiative and whenever directed by the Planning and Zoning Commission inspect the *premises* for which permits have been granted to insure compliance with the conditions of approval and of these regulations. He shall immediately report all violations to the Corporation Counsel and take such action as may be necessary in the circumstances.

- a. For the purposes of administering and enforcing the provisions of Section 218 of these regulations, any duly authorized officer, agent or employee of the Town shall have the right to enter into and upon lands in or upon which such *soil* removal or filling operations are being conducted to examine and inspect such lands and operations thereon.

Section 219 General Dimensional Zoning Exceptions For All Zoning Districts

219.1 Height

The height limitations of these regulations shall not apply to church spires, penthouses, cupolas, and similar parts of a *structure* not used for human occupancy, nor to chimneys, solar panels, tanks, skylights and similar mechanical appurtenances located above the roof level.

219.2 Projection into required yards:

Nothing in these Regulations shall prohibit the projection of not more than two (2) feet into a required *side yard* of pilasters, chimneys, belt course, sills, cornices, or similar *building* architectural features, nor the planting of *landscaping* of such spaces. Fire escapes may project not more than four (4) feet into any required *yard*. Porch *structures* or stairs may project not more than five (5) feet into any required *yard*, as long as no roof projects over such stairs.

219.3

Nothing in these regulations shall prohibit the projection of apparatus needed for the operation of active and passive solar energy systems including but not limited to horizontal overhang over the south-facing glass areas up to one-half (0.5) of the height of the glazed opening, movable insulating walls and roofs, and detached *solar collectors*, reflectors, and piping, as long as they have no detrimental effect on the adjoining property.

Section 220 Nonconforming Lots

Where a *lot of record* at the time of the adoption of these regulations or any pertinent amendment thereto is smaller than the minimum *lot* size of the zone in which it is located, such *lot* may be used as a building site, provided that said *lot* shall have two (2) *side yards* having a total width of at least twenty-five (25) percent of the width of the *lot*, but in no event shall a *side yard* be less than eight (8) percent of the width of the *lot*, with a minimum of six (6) feet in a residence zone, nor shall a *side yard* of more than fifteen (15) feet be required.

If two (2) or more adjoining and vacant *lots* of record are in single ownership at the time of the adoption of these regulations or any pertinent amendment thereto, and such *lots* individually have less width or area than the minimum requirements than the zone in which they are located, such *lots* shall be considered as a single *lot* or several *lots* that meet the minimum requirements of these regulations for the zone in which such *lots* are located.

Section 221 *Lot, Floor and Parking Area Requirements for Housing for Senior Citizens*

Anything in these regulations to the contrary notwithstanding, the minimum lot area, floor area, and parking area per dwelling unit for any housing for senior citizens project shall be as follows:

221.1 *Lot area*

The minimum *lot area* of each *dwelling unit* in any housing for senior citizens project shall be one thousand (1,000) square feet.

221.2 *Floor area*

For a *dwelling unit* having one room intended or designed for sleeping purposes, the minimum floor area shall be three hundred twenty (320) square feet. For a *dwelling unit* having two (2) or more rooms intended or designed for sleeping purposes, the minimum floor area shall be four hundred (400) square feet.

221.3 *Parking area requirements*

One (1) space for each *dwelling unit*.

Section 222 *Alcoholic Liquors*

222.1 *General distance requirements for consumption:*

a. No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption either on or off the *premises* if any part of such *building* or *premises* is situated:

1. Within five hundred (500) feet in a radius from any part of any *building* or *premises* used for the purpose of public schools, a duly authorized school other than a public school, *house of worship*¹, charitable institution whether supported by public or private funds, hospital, library, public playground, municipal fire or police station or municipal town hall. The *warehouse* storage or bottling of alcoholic and spirituous liquors for wholesale distribution only and grocery store beer permits shall not be subject to these distance requirements.

b. Distance requirement for off-site consumption:

No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors at retail for consumption off the *premises* if any part of such *building* or *premises* is situated:

1. Within fifteen hundred (1,500) feet in a radius from any other *building* or *premises* having any type of liquor permit where spirituous or alcoholic liquors are sold at retail and consumed off the *premises* other than a *building* or *premises* having one (1) of the following permits: grocery store beer permits; package store beer permits; druggist permit for beer only.

c. Distance requirement for on-site consumption:

No *building* or *premises* shall be used and no *building* shall be erected or altered that is arranged, intended or designed to be used for the sale or exchange of spirituous or alcoholic liquors for consumption upon the *premises* if any part of such *building* or *premises* is situated;

¹ Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

222.1 Continued

1. Within one thousand (1,000) feet in a radius from any other *building* or *premises* having any type of liquor permit where spirituous or alcoholic liquors are consumed on the *premises* with the exception of those restaurants included under Section 222.1b, clubs, as defined in Ch. 545, sec. 30-1 of the State of Connecticut Liquor Control Act, and restaurants serving beer and wine only.

222.2 Measurement of distance requirement for a shopping center/mall

In applying the distance requirements of these regulations in the case of a proposed liquor permit located in a shopping center/mall defined herein, measurements shall be made from the main entrance to said permit *premises*.

222.3 Restaurants or catering halls serving alcoholic liquors

- a. In those zoning districts where restaurants or catering halls serving alcoholic beverages are permitted, such use, whether occupying part of a *building* containing other uses or an entire *building structure* by itself, may be permitted by the Planning and Zoning Commission only by special permit use as specified in the Special Permit Use provision of Sections 207.2 through 207.8 of these regulations and shall also be subject to the following additional conditions:
 1. No *sign* advertising alcoholic beverages by any brand name, slogan, symbol, or other means shall be visible from outside the *building*;
 2. The principal purpose of the restaurant shall be the preparation and sale of food to be consumed on the *premises*. The principle purpose of the catering hall shall be the preparation and sale of food to be consumed either on or off premises. Such sale of alcoholic liquors shall be subordinate and incidental to the principal use of the *premises* as a restaurant or catering hall in which the patrons are primarily *persons* seated at tables where hot meals are served;
 3. The restaurant['s] facility or catering hall shall not produce nuisance, noise, or disturbance to adversely affect the health, safety, or comfort of others or detract from adjacent property values; and
 4. The dining area shall have a floor area of at least one thousand (1,000) square feet exclusive of cocktail lounge and entertainment areas.
- b. In the case of restaurants or catering halls having a dining fixed seating area with a floor area of at least three thousand (3,000) square feet exclusive of cocktail lounge and entertainment area, such uses shall not be subject to the distance requirements specified in Section 222.1c¹.
- c. In no way shall the approval of a special permit use by the Planning and Zoning Commission for a restaurant permit for beer only or for beer and wine only be construed to include any other spirituous or alcohol liquor uses. Any change in use from beer only or beer and wine only requires reapplication to the Planning and Zoning Commission and shall be considered a new use and subject to all distance requirements of Section 222.1.

222.4 Discontinued Uses

The provisions of this regulation shall not be deemed retroactive, provided, however, that in the case of any such *building* or *premises* used for the sale or exchange of alcoholic beverages specified in Section 222 that has been voluntarily discontinued or has been voluntarily inoperative for a period of thirty (30) days, such use shall not be resumed except in conformity with the provisions of Section 222.3. The provisions of these regulations shall not apply to existing picnic parks, so called.

¹Amendment to Article II, Section 222.3, Addition of Catering Halls to Restaurants serving alcoholic beverages. Effective Date: May 4, 1999

Section 223 Automobile Sales and Service

223.1 Garages and Service Stations

Except as provided in Section 223.4¹, no permit shall be issued for the erection or enlargement of a *commercial garage* for the storage or repair of more than five (5) motor vehicles or a motor vehicle service or gas filling station or for the conversion of any *premises* not so used to be used for such purposes in any Business or Industrial Zone if any part of the *lot* or plot in question is situated within a distance of five hundred (500) feet as measured along the public *streets* of any *lot* on which there exists:

- a. A public school or a duly organized school other than a public school conducted for children under sixteen (16) years of age and giving regular instructions at least five (5) days a week for eight (8) or more months a year;
- b. A hospital maintained as a charitable institution or a private hospital maintaining at least fifteen (15) beds for patients;
- c. A *house of worship*² with a seating capacity of at least three hundred (300) *persons*;
- d. A theater containing at least three hundred (300) seats;
- e. A public library; or
- f. A public playground.

223.2 No such garage service station or gas filling station shall be permitted on a *lot* located between intersecting *streets* in which any of the uses described in 223.1 above exists.

223.3 No existing conforming *commercial garage* or a motor vehicle service station or gas filling station shall be deemed to become a *nonconforming use* through subsequent erection of such a school, hospital, theater, or library as defined above within the aforesaid prescribed area.

223.4 ³² Notwithstanding any provision of these regulations to the contrary, the Commission may waive Section 223.1 as to a particular lot or lots for which a convenience store and gas filling station are proposed if it finds, after public hearing, that:

- a. The lot in question is proposed to be located within the Incentive Development Zone pursuant to Section 604;
- b. Applications for zone change, special permit and site plan approval conforming with Section 604 have been filed;
- c. The applicant has established to the satisfaction of the Commission that the project being proposed shall provide adequate protections and controls with respect to materials management and traffic circulation so as to ensure public health and safety;
- d. The proposed project is otherwise in accord with the public interest, convenience, and welfare; and
- e. A waiver shall not be issued if it is found that the proposed location is unsuitable due to the proximity of schools, *houses of worship*, theaters, or other places of public assembly, the location and character of intersecting streets, traffic conditions, width of highway, and effect on public travel, or that the proposed location will otherwise imperil the safety of the public.

¹ Amendment to Article II: General Provisions, Section 223. Effective Date: January 9, 2008

² Amendment to Article II: General Provisions, Section 200. Effective Date: March 10, 2004

Section 224 Outdoor Display, Exhibit or Storage of Motor Vehicles

- 224.1** Except as provided in Section 404.2n, no permit or certificate of zoning compliance shall be issued in any zone for the outdoor display, exhibition or storage of used motor vehicles or the parts of new or used motor vehicles, or motor vehicle trailers or parts thereof in any open *lot* or area or in or under any awning, tent, or other temporary *structure*, unless such display, exhibit, or storage be in conjunction with and adjacent to a bonafide, franchised sales agency engaged in the sale of new motor vehicles. Such display or storage and any *sign* in connection with such display or storage shall be set back from the *street line* a minimum distance of ten (10) feet. Such display or storage shall consist solely of vehicles of the type referred to in Section 224.2 hereof that are fully and mechanically equipped for operation under their own power upon the public highways. The provisions of this section shall not apply to any *person*, firm or corporation legally engaged in the merchandising of new motor vehicles, motor vehicles other than new, the parts of new or used motor vehicles, or motor vehicle trailers or parts thereof at the time of the adoption of this section.
- 224.2** Any person, firm or corporation legally engaged in the merchandising of motor vehicles other than new, pursuant to the provisions of Chapter 32 of the 1941 supplement to the General Statutes of Connecticut, or as the same may have been amended, shall display in any open lot or area or under any structure only motor vehicles that at all times are fully and mechanically equipped for operation under their own power upon the public highway. This section shall not be interpreted to mean that such motor vehicles shall carry registration plates or shall be equipped with a battery. No such display shall be maintained in any manner that endangers public safety or the general welfare of the community or constitutes a threat to the securing of safety from fire or represents serious overcrowding of land or premises, or tends to deteriorate such properties or depreciate the value of surrounding land and buildings.
- 224.3** The Zoning Enforcement Officer for the Town of East Hartford is authorized and directed to inspect or cause to be inspected the vehicles displayed and the manner in which they are displayed pursuant to the provisions of this regulation. Any person, firm or corporation engaged in the merchandising of vehicles other than new shall at the request of the Director of Inspections & Permits permit and assist him at reasonable times to determine whether any violation exists with respect to motor vehicles displayed by such person, firm or corporation. The Director of Inspections & Permits shall report any violation to the proper authorities for prosecuting such violation.

Section 225 Commercial Wireless Telecommunication – General Requirement

- 225.1** The physical support structures for siting the equipment involved in receiving or transmitting electromagnetic waves associated with commercial wireless telecommunication services are listed below in order of preference:
- a. On existing structures, such as non-residential buildings, water towers and utility poles.
 - b. On existing or previously approved non-conforming/conforming rooftops and conforming towers with the exception of ham radio installations in single, two and three family detached dwellings.¹
 - c. On new towers in Industrial and Business Zones.
- 225.2** The maximum height of any roof-top mounted equipment, building or box shall be fifteen (15) feet
- 225.3** Commercial wireless telecommunication sites located on nonresidential buildings shall be screened from direct view from all surrounding streets and driveways used by the public.
- 225.4** No commercial wireless telecommunication structure shall be located within five hundred (500) feet of a school or public playground attended by persons primarily under eighteen (18) years of age.

¹*Amendment to Article II, Commercial Wireless Telecommunication - general requirements of the East Hartford Planning and Zoning Commission: addition of new Section 225.1 Effective Date: May 5, 2000.*

- 225.5** No commercial wireless telecommunication site shall be located within two hundred (200) feet of a residential zone.
- 225.6** All towers shall be monopole design structures unless otherwise approved by the Commission.
- 225.7** No lights shall be permitted on, or at, proposed towers unless otherwise required by F.A.A. for navigation purposes. Strobe lighting shall be permitted only where required by applicable regulations.
- 225.8** Dish antennae shall not exceed six (6) feet in diameter when mounted more than six (6) feet above grade. Panel antennae shall not exceed five (5) feet in height.
- 225.9** No proposed commercial wireless telecommunication site shall be designed, located or operated so as to interfere with existing or proposed public safety communications, or reception of licensed broadcast band radio and television.
- 225.10** The design of all commercial wireless telecommunication sites shall comply with the standards promulgated by the F.C.C. for non-ionizing electromagnetic emissions. In the absence of such standards, the site shall comply with standards set by the Institute of Electrical and Electronics Engineers for safe human exposure to radio frequency electromagnetic fields.
- 225.11** All generators installed in conjunction with any commercial wireless telecommunication site shall comply with all State and local noise regulations.
- 225.12** All accompanying equipment, buildings or boxes shall be screened and fenced as required by Section 702: Development Review and Approval process.

Section 226 *General Requirements for Fixed Wireless Facility¹*

- 226.1** The maximum height of any rooftop mounted antenna, equipment, building or box shall not exceed fifteen (15) feet above the current building height.
- 226.2** Dish antenna associated with a fixed wireless facility shall not exceed two (2) feet in diameter.
- 226.3** A fixed wireless facility antenna that is visible from the public right-of-way adjacent to the building on which it is attached shall be painted to match the color of the building. Fixed wireless facility antennas that project above the highest point of the roof of the building shall be painted a light-blue or gray color.
- 226.4** Fixed wireless facility antennas mounted on the roof of the building shall be set back a minimum of three (3) feet from the nearest building facade, excluding mechanical penthouses, stair or elevator towers or similar roof top appurtenances.
- 226.5** No proposed fixed wireless facility shall be designed, located or operated so as to interfere with existing or proposed public safety, communications, or reception of licensed broadcast band radio and television.
- 226.6** All fixed wireless facilities shall comply with the standards promulgated by the F.C.C. for non-ionizing electromagnetic emissions. In the absence of such standards, the fixed wireless facility shall comply with the latest standards set by the Institute of Electrical and Electronic Engineers for safe human exposure to radio frequency emissions.
- 226.7** All generators installed in conjunction with any fixed wireless facility shall comply with all state and local noise regulations.

¹*Amendment to Article II, New Section 226 General Requirements for Fixed Wireless Facility. Effective Date: September 1, 2000*

226.8 All accompanying equipment, buildings or boxes shall be screened and fenced as required by Section 702: Development Review and Approval Process.

Section 227 Landscaping, and Screening Areas – General Requirements¹

227.1 Purpose

The following standards are intended to enhance the appearance and natural beauty of the Town and to protect property values through preservation of existing vegetation and planting of new screening and landscaping material. Specifically, these standards are intended to reduce excessive heat, glare and accumulation of dust, to provide privacy from noise and visual intrusion, and to prevent the erosion of the soil, excessive run-off of drainage water, and the consequent depletion of the ground water table and the pollution of water bodies, watercourses, wetlands and aquifers.

227.2 General Requirements

The following provisions shall apply to any use in all zoning districts:

- a. Any portion of a developed lot or property which is not used for the location of buildings, structures, accessory uses, off-street parking and loading areas, sidewalks, or similar purposes, shall be landscaped and maintained in such manner as to minimize storm water runoff.
- b. Landscaping, trees, and plants required by these regulations shall be planted in a growing condition according to accepted horticultural practices and they shall be maintained in a healthy growing condition. Any landscaping, trees, and plants which are in a condition that does not fulfill the intent of these regulations shall be replaced by the property owner during the next planting season for the particular plant material. Permanent watering systems shall be encouraged.

At the time of planting, trees shall be the following minimum size:

- Shade trees: three-inch caliper measures three feet above grade
 - Evergreen trees: seven foot height
 - Flowering trees: two-inch caliper, single stem, eight foot height
- c. A screening fence or wall required by these regulations shall be maintained by the property owner in good condition throughout the period of the use on the lot.
 - d. All landscaping, trees, and planting material adjacent to parking areas, loading areas, or driveways shall be properly protected by barriers, curbs, or other means from damage by vehicles.
 - e. To the extent possible, existing trees, vegetation, and unique site features such as stone walls shall be retained and protected. Existing healthy, mature trees, if properly located, shall be fully credited against the requirements of these regulations.
 - f. Where lot size and shape or existing structures make it infeasible to comply with the requirements for a front landscaped area or landscaped parking area, the Commission may substitute planters, plant boxes or pots containing trees, shrubs, and/or flowers to comply with the intent of these regulations.
 - g. In cases where the edge of the pavement or sidewalk within a public right-of-way does not coincide with the front lot line, the property owner shall landscape the area between the front lot line and the edge of the street, pavement, or sidewalk.

¹*Amendment to Article II, New Section 227 General Requirements Landscaping and Screening Areas.
Effective Date: August 31, 2001*

227.3 Front Landscaped Area

A front landscaped area shall be required for all uses in all zoning districts. The required landscaped area shall be covered with grass or other ground cover and shall include appropriate trees and shrubs. At a minimum, one street shade tree shall be planted for each 50 feet or fraction thereof of lot frontage. The purpose of the landscaping is to enhance the appearance of the use on the lot but not to screen the use from view.

a. Residential Districts

In all residential districts, the required front yard, except for the driveway, shall be landscaped, but in no case shall it be required to exceed 30 feet from the front lot line.

b. Commercial and Industrial Districts

In all non-residential districts, a strip of 10 feet wide along and contiguous to the front lot line shall be landscaped except if a more stringent standard is provided in the district regulation. Furthermore, in all non-residential districts a landscaped area 5 feet wide shall abut the front of the building.

227.4 Landscaped Parking Area

Refer to Section 209.1.d. and 209.1.e. Off Street Parking and Loading.

Section 228 *Drive-Through Facilities*¹

228.1 Definitions

Words defined in this section have been identified within the text of this section by the use of italics. The following definitions apply only to Section 228.

- a. **ACCESS:** A way or means of approach to provide vehicular or pedestrian entrance or exit to a property.
- b. **CROSS ACCESS:** A service drive providing vehicular *access* between two or more contiguous sites so the driver need not enter the public street system.
- c. **DRIVE-THROUGH FACILITY:** A commercial facility which provides a service directly to a motor vehicle or where the customer drives a motor vehicle onto the premise and to a window or mechanical device through or by which the customer is serviced without exiting the vehicle. This shall not include the selling of fuel at a gasoline filling station or the accessory functions of a carwash facility such as vacuum cleaning stations.
- d. **JOINT ACCESS (OR SHARED ACCESS):** A driveway connecting two or more contiguous sites to the public/private street systems.
- e. **RESTRICTIVE MEDIAN:** A physical barrier in the roadway that separates traffic traveling in opposite directions, such as concrete barrier or landscaped island.
- f. **QUEUING LANE:** An area of *stacking spaces* and driving lane provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.
- g. **QUEUING/STACKING SPACE:** An area within a *queuing lane* for vehicles waiting to order and/or finish a drive-through transaction.

¹ Amendment to Article 11, General Provisions: addition of new Section 228. Effective Date: March 1, 2006

228.2 General Requirements for Drive-Through Facilities

- a. Drive-through facilities, including required *queuing lane(s)*, shall not be located in the required front yard;
- b. *Queuing lane(s)* (stacking lanes) to the *drive-through facilities* shall be separated from other circulation lanes and shall be so identified by pavement striping or internal islands;
- c. All *queuing lane(s)* shall be designed to prevent circulation congestion, both onsite and on adjacent public streets. The circulation shall:
 1. separate drive-through traffic from site circulation,
 2. not impede or impair *access* into or out of parking spaces,
 3. not impede or impair vehicle or pedestrian traffic movement, and
 4. minimize conflicts between pedestrian and vehicular traffic with physical and visual separation between the two. *Queuing lanes* shall not interfere with required loading and trash storage areas and loading or trash operations shall not impede or impair vehicle movement. If said separate *queuing lane* is curbed, an emergency by-pass or exit shall be provided;
- d. Entrances to *queuing lane(s)* shall be clearly marked and a minimum of sixty (60) feet from the intersection with the public street. The distance shall be measured from the property line at the street line to the beginning of the entrance. *Queuing lanes* shall not enter or exit directly into a public right-of-way. *Queuing lanes* shall be integrated with the on-site circulation pattern.
- e. A system of joint use driveways and *cross access* easements shall be established wherever feasible utilizing the following standards:
 1. A service drive or *cross access* corridor extending the width of the parcel.
 2. A design speed of 10 mph and sufficient width to accommodate two-way travel aisles.
 3. Median and other design features to make it visually obvious that the abutting properties may be tied to provide *cross-access* via a service drive/*cross access*.
- f. The width of the *access* connections at the street line of the development shall not exceed thirty (30) feet, unless the traffic impact study identifies and the Town Planning and Zoning Commission agrees to the need for turning lanes from the development onto the adjacent public road;
- g. For a site located at an intersection to two streets where no alternative exist, such as joint or *cross access*, the Town Planning and Zoning Commission may allow construction of an *access* connection at a location suitably removed from the intersection. In such cases, the applicant shall provide directional restrictions (i.e. right in/ right out only and/or a *restrictive median*) as required by the Town Planning and Zoning Commission.
- h. Outdoor loudspeakers utilized for each drive-in window shall produce a noise level no greater than what is allowed by East Hartford Town Ordinance Article 7 Control of noise pollution emitted by sound amplifying equipment as amended. Any outdoor service facilities (including but not limited to menu boards, speakers, etc.) shall be a minimum of fifty (50) feet from the property line of residential uses. Menu boards shall be maximum of twenty (20) square feet, with a maximum height of six (6) feet in height and shall be shielded from any public street and residential properties;
- i. *Queuing lanes* shall be a minimum of ten (10) feet wide and each space shall be twenty-two (22) feet long;

228.2 Continued

- j. A minimum of fourteen (14)-*queuing spaces* shall be provided onsite for each drive through station, including the vehicle being serviced. Where an order board and pick-up window are involved, a minimum of two (2) *queuing spaces* shall be provided before the window for a total of sixteen (16) *queuing spaces*. *Queuing spaces* shall not be calculated as part of required parking. The Town Planning and Zoning Commission may based on the traffic impact study allow a fifty percent reduction of the required *queuing spaces* provided that all calculated *queuing spaces* are unimpeded by other required standard parking spaces;
- k. *Queuing lanes* shall be geometrically designed and strategically located so as to minimize traffic congestion and to promote pedestrian safety and shall be supplemented with pavement markings, signs, and designated walkways;
- l. Vehicular emission control associated with *queuing lanes* shall be required in accordance with the following:
 - 1. Applicants shall demonstrate what steps will be employed to protect employees of the *drive-through facility* from emissions caused by idling vehicles.
 - 2. *Queuing lanes* shall not be located adjacent to patios and other pedestrian use areas, other than walkways.
 - 3. *Queuing lanes* are discouraged in close proximity to residential uses, existing or planned.
- m. Traffic Impact Study shall be required in accordance with the following:
 - 1. A State of Connecticut registered professional engineer experienced and qualified in traffic engineering shall prepare the traffic impact study.
 - 2. Existing traffic conditions- average daily a.m. and p.m. peak hour volumes, average and peak speeds, sight distances, accident data for the previous three (3) year, and levels of service (LOS) of intersections and streets affected by the proposed development. Generally, such data shall be presented for all streets and intersections adjacent to or within one thousand (1000) feet of the project boundaries, and shall be no more than six (6) months old at the date of submission of the application, unless other data is specifically approved by the Town Planning and Zoning Commission.
 - 3. Projected traffic conditions for design year of occupancy shall include: statement of design year of occupancy, average annual background traffic growth, impacts of proposed developments which have already been approved, under construction and/or are pending before a Town of East Hartford Land Use Board.
 - 4. Projected impacts on the proposed development shall include projected peak hour and daily traffic generated by the development on roads and private drives in the vicinity of the development, sight lines at the intersections of the proposed *access* connection and adjacent streets, analysis of the proposed drive-through with emphasis on location of *queuing lanes* and overall number of *queuing spaces* and its overall interaction with the proposed site, existing and proposed traffic controls in the vicinity of the proposed development, and the projected post development traffic volumes and levels of service of intersections and streets likely to be affected by the proposed development (as defined in subsection 3 above).
 - 5. Proposed mitigation methods to be employed as follows: A plan with supporting text to minimize traffic and safety impacts through such means as physical design and layout concepts, staggered employee work schedules, dedicated employee parking areas, promoting use of public transit or carpooling, or other appropriate means, and an interior traffic and pedestrian circulation plan designed to minimize conflicts and safety problems. Mitigation measures shall be proposed to insure that the impact of the project maintains the same Level of Service or better to all streets or intersections in the general area.